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98TH CONGRESS AND 99TH CONGRESS, FIRST SESSION

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VOLUME FOUR

TITLE 43—PUBLIC LANDS

TO

TITLE 50—WAR AND NATIONAL DEFENSE
POPULAR NAMES AND TABLES

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*1. General Provisions.
2. The Congress.
*3. The President.
*4. Flag and Seal, Seat of Government, and the States.
*5. Government Organization and Employees; and Appendix.
†6. [Surety Bonds.]
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*11. Bankruptcy; and Appendix.
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*This title has been enacted as law. However, any Appendix to this title has not been enacted as law.
†This title was enacted as law and has been repealed by the enactment of Title 31.
‡This title has been eliminated by the enactment of Title 10.

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PREFACE

This third supplement to the 1982 edition of the United States Code has been prepared and published pursuant to section 285b of Title 2 of the Code. It contains the additions to and changes in the general and permanent laws of the United States enacted during the Ninety-eighth Congress and the Ninety-ninth Congress, First Session. This supplement together with the 1982 edition establishes prima facie those laws in effect on January 20, 1986, except that Titles 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 23, 28, 31, 32, 35, 37, 38, 39, 44, 46, and 49 have been revised, codified, and enacted into positive law and the text thereof is legal evidence of the laws therein contained. Pending preparation of supplemental codification bills, various sections of former Titles 46 and 49 (not included in the original codifications) are set out in the Appendixes to those Titles and retain their prior section numbers.

This supplement was prepared and published under the supervision of Edward F. Willett, Jr., Law Revision Counsel of the House of Representatives, with the assistance of the West Publishing Company of St. Paul, Minnesota, which assisted in preparing all prior editions and supplements of the Code. Grateful acknowledgment is made to the staffs of the Office of the Law Revision Counsel, the West Publishing Company, and the Government Printing Office for their untiring efforts and cooperation.

Thomas P O'Neill Jr
M.C.

Speaker of the House of Representatives

WASHINGTON, D.C., *January 20, 1986.*

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4. Navigation Rules for Great Lakes and Their Connecting and Tributary Waters [Repealed].
5. Navigation Rules for Red River of the North and Rivers Emptying Into Gulf of Mexico and Tributaries [Repealed].
5A. Exemption of Navy or Coast Guard Vessels From Certain Navigation Rules [Repealed].
6. General Duties of Ship Officers and Owners After Collision or Other Accident [Repealed].

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10. Anchorage Grounds and Harbor Regulations Generally.
11. Bridges Over Navigable Waters.
12. River and Harbor Improvements Generally.
13. Mississippi River Commission.
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15. Flood Control.
16. Lighthouses.
17. National Ocean Survey.
18. Longshore and Harbor Workers' Compensation.
19. Saint Lawrence Seaway.
20. Pollution of the Sea by Oil.
21. International Regulations for Preventing Collisions at Sea [Repealed].
22. Sea Grant Colleges and Marine Science Development.
23. Pollution Control of Navigable Waters [Omitted or Transferred].
24. Vessel Bridge-to-Bridge Communication.
25. Ports and Waterways Safety Program.
26. Water Pollution Prevention and Control.
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4A. Amvets (American Veterans of World War II, Korea, and Vietnam).
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5A. Ladies of the Grand Army of the Republic.
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8. American Battle Monuments Commission.
8A. The National Yeomen F.
8B. Navy Club of the United States of America.
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12. Reserve Officers Association.
13. National Academy of Sciences.
14. Future Farmers of America.
15. Military Chaplains Association of the United States of America.
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18. National Conference of State Societies, Washington, District of Columbia.

TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES—Continued

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20. National Conference on Citizenship.
21. National Safety Council.
22. Pershing Hall Memorial Fund.
23. Board for Fundamental Education.
24. Sons of Union Veterans of the Civil War.
25. The Foundation of the Federal Bar Association.
26. The National Fund for Medical Education.
27. Legion of Valor of the United States of America, Inc.
28. National Music Council.
29. Boys' Clubs of America.
30. Presidential Inaugural Ceremonies.
31. Civil War Centennial Commission [Omitted or Repealed].
32. Veterans of World War I of the United States of America.
33. The Congressional Medal of Honor Society of the United States of America.
34. Military Order of the Purple Heart of the United States of America.
35. Blinded Veterans Association.
36. Big Brothers—Big Sisters of America.
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38. Blue Star Mothers of America.
39. Agricultural Hall of Fame.
40. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic.
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42. Audits of Federally Chartered Corporations.
43. Paralyzed Veterans of America.
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47. National Ski Patrol System, Inc.
48. Gold Star Wives of America.
49. Italian American War Veterans of the United States.
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51. American Council of Learned Societies.
52. National Federation of Music Clubs.
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60. Navy Wives Clubs of America.
61. National Society, Daughters of the American Colonists.
62. 369th Veterans' Association.
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10. Payments to Missing Persons.
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13. Allotments and Assignments of Pay.
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13. Dependency and Indemnity Compensation for Service-Connected Deaths.
15. Pension for Non-Service-Connected Disability or Death or for Service.
17. Hospital, Nursing Home, Domiciliary, and Medical Care.
19. Insurance.
21. Specially Adapted Housing for Disabled Veterans.
23. Burial Benefits.
24. National Cemeteries and Memorials.

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30. All-Volunteer Force Educational Assistance Program.
31. Training and Rehabilitation for Veterans with Serivce-Connected Disabilities.
32. Post-Vietnam Era Veterans' Educational Assistance.
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TITLE 38—VETERANS' BENEFITS—Continued

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37. Housing and Small Business Loans.
39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces.
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42. Employment and Training of Disabled and Vietnam Era Veterans.
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53. Special Provisions Relating to Benefits.
55. Minors, Incompetents, and Other Wards.
57. Records and Investigations.
59. Agents and Attorneys.
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73. Department of Medicine and Surgery.
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82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions.
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3. Public Buildings and Works Generally.
4. The Public Property.
5. Hours of Labor and Safety on Public Works.
6. Acquisition of Sites for and Construction of Public Buildings.
7. Acquisition of Land in District of Columbia for Use of United States by Condemnation Proceedings [Repealed].
8. Emergency Public Works and Construction Projects.
9. Non-Federal Public Works.
10. Management and Disposal of Government Property.
11. Real Property Transactions by Military Departments [Repealed].
12. Construction, Alteration, and Acquisition of Public Buildings.
13. National Capital Transportation Program [Repealed or Omitted].
14. Safety Standards for Motor Vehicles.
15. Government Losses in Shipment.
16. General Services Administration.
17. Alaska Communications Disposal.
17A. Alaska Federal-Civilian Energy Efficiency Swap.
18. National Visitor Center Facilities; Union Station Redevelopment; Capitol Guide Service.
19. Capitol and White House-Pennsylvania Avenue Development.
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3. Procurement of Supplies and Services by Armed Services [Repealed].
4. Procurement Procedures.

TITLE 41—PUBLIC CONTACTS—Continued

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6. Service Contract Labor Standards.
7. Office of Federal Procurement Policy.
8. Federal Grants and Cooperative Agreements [Repealed, See Chapter 63 of Title 31, Money and Finance].
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TITLE 42—THE PUBLIC HEALTH AND WELFARE

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1A. The Public Health Service; Supplemental Provisions [Transferred or Omitted].
2. Sanitation and Quarantine.
3. Leprosy [Repealed].
3A. Cancer [Repealed].
4. Viruses, Serums, Toxins, Antitoxins, etc. [Repealed].
5. Maternity and Infancy Welfare and Hygiene [Repealed].
6. The Children's Bureau.
6A. Public Health Service.
7. Social Security.
7A. Temporary Unemployment Compensation Program [Omitted].
8. Low-Income Housing.
8A. Slum Clearance, Urban Renewal, and Farm Housing.
8B. Public Works or Facilities [Omitted].
8C. Open-Space Land [Omitted].
9. Housing of Persons Engaged in National Defense.
10. Federal Security Agency [Transferred or Omitted].
11. Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Bases Outside the United States.
12. Compensation for Injury, Death, or Detention of Employees of Contractors With the United States Outside the United States.
13. School Lunch Programs.
13A. Child Nutrition.
14. Development and Control of Atomic Energy [Transferred to Chapter 23].
15. Disaster Relief [Repealed].
15A. Reciprocal Fire Protection Agreements.
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16. National Science Foundation.
16A. Grants for Support of Scientific Research [Repealed].
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17. Federal Employment Service [Transferred].
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19. Saline and Salt Waters [Repealed, Omitted, or Transferred].
19A. Water Resources Research Program [Repealed].
19B. Water Resources Planning.
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20A. Civil Rights Commission.
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21A. Privacy Protection.
22. Indian Hospitals and Health Facilities.
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24. Disposal of Atomic Energy Communities.
25. Federal Flood Insurance.
26. National Space Program.
27. Loan Service of Captioned Films and Educational Media for Handicapped.
28. Area Redevelopment Program [Omitted or Repealed].
29. Juvenile Delinquency and Youth Offenses Control [Omitted].
30. Manpower Development and Training Program [Repealed].
31. Public Works Acceleration Program.
32. Third Party Liability for Hospital and Medical Care.
33. Community Mental Health Centers [Omitted, Transferred, or Repealed].
34. Economic Opportunity Program.
35. Programs for Older Americans.
35A. Community Service Employment for Older Americans [Repealed].
36. Compensation of Condemnees in Development Programs [Repealed].
37. Community Facilities and Advance Land Acquisition.
38. Public Works and Economic Development.
39. Solid Waste Disposal [Omitted and Repealed, See Chapter 82].
40. Soil Information Assistance for Community Planning and Resource Development.
41. Demonstration Cities and Metropolitan Development Program.
42. Narcotic Addict Rehabilitation.
43. Department of Health and Human Services.
44. Department of Housing and Urban Development.
45. Fair Housing.
46. Justice System Improvement.
47. Juvenile Delinquency Prevention and Control [Omitted].
48. Guarantees for Financing New Community Land Development [Repealed or Omitted].
49. National Housing Partnerships.
50. National Flood Insurance.
51. Design and Construction of Public Buildings to Accommodate the Physically Handicapped.
52. Intergovernmental Cooperation [Repealed, See Chapter 65 of Title 31].

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Continued

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52A. Joint Funding Simplification [Repealed].
53. Advisory Commission on Intergovernmental Relations.
54. Cabinet Committee on Opportunities for Spanish-Speaking People [Omitted].
55. National Environmental Policy.
56. Environmental Quality Improvement.
57. Environmental Pollution Study.
58. Disaster Relief [Repealed or Transferred].
59. National Urban Policy and New Community Development.
60. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Program.
61. Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs.
62. Intergovernmental Personnel Program.
63. Lead-Based Paint Poisoning Prevention.
64. Public Service Employment Programs [Omitted].
65. Noise Control.
66. Domestic Volunteer Services.
67. Child Abuse Prevention and Treatment and Adoption Reform.
68. Disaster Relief.
69. Community Development.
70. Manufactured Home Construction and Safety Standards.
71. Solar Energy.
72. Juvenile Justice and Delinquency Prevention.
73. Development of Energy Sources.
74. Nonnuclear Energy Research and Development.
75. Programs for Persons With Developmental Disabilities.
76. Age Discrimination in Federally Assisted Programs.
77. Energy Conservation.
78. National Petroleum Reserve in Alaska.
79. Science and Technology Policy, Organization and Priorities.
80. Public Works Employment.
81. Energy Conservation and Resource Renewal.
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83. Energy Extension Service.
84. Department of Energy.
85. Air Pollution Prevention and Control.
86. Earthquake Hazards Reduction.
87. Water Research and Development [Repealed or Transferred].
88. Uranium Mill Tailings Radiation Control.
89. Congregate Housing Services.
90. Neighborhood and City Reinvestment, Self-Help and Revitalization.
91. National Energy Conservation Policy.
92. Powerplant and Industrial Fuel Use.

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93. Emergency Energy Conservation.
94. Low-Income Energy Assistance.
95. United States Synthetic Fuels Corporation.
96. Biomass Energy and Alcohol Fuels.
97. Acid Precipitation Program and Carbon Dioxide Study.
98. Ocean Thermal Energy Conversion Research and Development.
99. Ocean Thermal Energy Conversion.
100. Wind Energy Systems.
101. Magnetic Fusion Energy Engineering.
102. Mental Health Systems.
103. Comprehensive Environmental Response, Compensation, and Liability.
104. Nuclear Safety Research, Development, and Demonstration.
105. Community Services Programs.
106. Community Services Block Grant Program.
107. Consumer-Patient Radiation Health and Safety.
108. Nuclear Waste Policy.
109. Water Resources Research.
110. Family Violence Prevention and Services.
111. Emergency Federal Law Enforcement Assistance.
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2. Geological Survey.
3. Surveys.
4. District Land Offices.
5. Land Districts.
6. Withdrawal from Settlement, Location, Sale, or Entry.
7. Homesteads.
8. Timber and Stone Lands [Repealed].
8A. Grazing Lands.
9. Desert-Land Entries.
10. Underground-Water Reclamation Grants [Repealed].
11. Discovery, Development, and Marking of Water Holes, etc., by Government.
11A. Board on Geographic Names.
12. Reclamation and Irrigation of Lands by Federal Government.
12A. Boulder Canyon Project.
12B. Colorado River Storage Project.
13. Federal Lands Included in State Irrigation Districts.
14. Grants of Desert Lands to States for Reclamation.
15. Appropriation of Waters; Reservoir Sites.
16. Sale and Disposal of Public Lands.
17. Reservation and Sale of Town Sites on Public Lands.
18. Survey of Public Lands.
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TITLE 43—PUBLIC LANDS—Continued

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21. Grants in Aid of Railroads and Wagon Roads.
21A. Forfeiture of Northern Pacific Railroad Indemnity Land Grants [Omitted].
22. Rights-of-Way and Other Easements in Public Lands.
23. Grants of Swamp and Overflowed Lands.
24. Drainage Under State Laws [Repealed].
25. Unlawful Inclosures or Occupancy; Obstructing Settlement or Transit.
25A. Lands Held Under Color of Title.
26. Abandoned Military Reservations [Repealed].
27. Public Lands in Oklahoma.
28. Miscellaneous Provisions Relating to the Public Lands.
29. Submerged Lands.
30. Administration of Public Lands [Repealed or Omitted].
31. Department of the Interior.
32. Colorado River Basin Project.
32A. Colorado River Basin Salinity Control.
33. Alaska Native Claims Settlement.
33A. Implementation of Alaska Native Claims Settlement and Alaska Statehood.
34. Trans-Alaska Pipeline.
35. Federal Land Policy and Management.
36. Outer Continental Shelf Resource Management.
37. Public Rangelands Improvement.
38. Crude Oil Transportation Systems.

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1. Joint Committee on Printing.
3. Government Printing Office.
5. Production and Procurement of Printing and Binding.
7. Congressional Printing and Binding.
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15. Federal Register and Code of Federal Regulations.
17. Distribution and Sale of Public Documents.
19. Depository Library Program.
21. National Archives and Records Administration.
22. Presidential Records.
23. National Archives Trust Fund Board.
25. National Historical Publications and Records Commission.
27. [Repealed].
29. Records Management by the Archivist of the United States and by the Administrator of General Services.
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31. Records Management by Federal Agencies.
33. Disposal of Records.
35. Coordination of Federal Information Policy.
37. Advertisements by Government Agencies.

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1. Safety Appliances and Equipment on Railroad Engines and Cars, and Protection of Employees and Travelers.
2. Liability for Injuries to Employees.
3. Hours of Service of Employees.
4. Care of Animals in Transit.
5. Government-Aided Railroads.
6. Mediation, Conciliation, and Arbitration in Controversies Between Carriers and Employees [Repealed or Omitted].
7. Adjustment Boards and Labor Boards [Repealed].
8. Railway Labor.
9. Retirement of Railroad Employees.
10. Tax on Carriers and Employees [Repealed or Omitted].
11. Railroad Unemployment Insurance.
12. Temporary Railroad Unemployment Insurance Program.
13. Railroad Safety.
14. Rail Passenger Service.
15. Emergency Rail Services.
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17. Railroad Revitalization and Regulatory Reform.
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19. Rock Island Railroad Employee Assistance.
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TITLE 46—SHIPPING

[SUBTITLE I—RESERVED]

SUBTITLE II—VESSELS AND SEAMEN

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23. Operation of Vessels Generally.

PART B—INSPECTION AND REGULATION OF VESSELS

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TITLE 46—SHIPPING—Continued

SUBTITLE II—VESSELS AND SEAMEN—CONTINUED

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73. Merchant Mariners' Documents.
75. General Procedures for Licensing, Certification, and Documentation.
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89. Small Vessel Manning.
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103. Foreign and Intercoastal Voyages.
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107. Effects of Deceased Seamen.
109. Proceedings on Unseaworthiness.
111. Protection and Relief.
113. Official Logbooks.
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PART I—STATE BOATING SAFETY PROGRAMS

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3. Clearance and Entry.
4. Tonnage Duties.
5. Discriminating Duties and Reciprocal Privileges.
6. Regulation as to Vessels Carrying Steerage Passengers.
8. Limitation of Vessel Owner's Liability.
11. Officers and Crews of Vessels.
12. Regulation of Vessels in Domestic Commerce.
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14. Inspection of Steam Vessels.
15. Transportation of Passengers and Merchandise by Steam Vessels.
17. Regulation of Fishing Voyages.

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18. Merchant Seamen.
19. Wrecks and Salvage.
19A. Admiralty and Maritime Jurisdiction.
20. Suits in Admiralty by or Against Vessels or Cargoes of United States.
21. Death on the High Seas by Wrongful Act
22. Suits in Admiralty Against United States for Damages Caused by Public Vessels or for Towage or Salvage Services.
23. Shipping Act.
23A. Intercoastal Shipping.
24. Merchant Marine Act, 1920.
24A. Merchant Marine Act, 1928.
25. Ship Mortgages.
26. Home Port of Vessels.
27. Merchant Marine Act, 1936.
28. Carriage of Goods by Sea.
32. Construction Assistance for Fishing Vessels [Omitted].
34. Safe Containers for International Cargo.
35. Maritime Administration.
36. International Ocean Commerce Transportation.

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

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2. Submarine Cables.
3. Radiotelegraphs [Repealed].
4. Radio Act of 1927 [Repealed or Omitted].
5. Wire or Radio Communication.
6. Communications Satellite System.
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TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

1. The Bureau of Insular Affairs [Omitted or Repealed].
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3. Hawaii.
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7. The Virgin Islands.
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8A. Guam.
9. Samoa, Tutuila, Manua, Swains Island, and Trust Territory of the Pacific Islands [Transferred].
10. Territorial Provisions of a General Nature.
11. Alien Owners of Land.
12. The Virgin Islands.
13. Eastern Samoa.
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TITLE 48—TERRITORIES AND INSULAR POSSESSIONS—Continued

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TITLE 49—TRANSPORTATION

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SUBTITLE IV—INTERSTATE COMMERCE

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107. Rates, Tariffs, and Valuations.
109. Licensing.
111. Operations of Carriers.
113. Finance.
115. Federal-State Relations.
117. Enforcement: Investigations, Rights, and Remedies.
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TITLE 49, APPENDIX—TRANSPORTATION

1. Interstate Commerce Act, Part I; General Provisions and Railroad and Pipe Line Carriers [Repealed in Part].
2. Legislation Supplementary to "Interstate Commerce Act" [Repealed, Transferred, or Omitted].
3. Termination of Federal Control [Repealed or Transferred].
4. Bills of Lading.
5. Inland Waterways Transportation.
6. Air Commerce.
7. Coordination of Interstate Railroad Transportation [Repealed].
8. Interstate Commerce Act, Part II; Motor Carriers [Repealed or Transferred].
9. Civil Aeronautics [Repealed, Omitted, or Transferred].
10. Training of Civil Aircraft Pilots [Omitted or Repealed].
11. Seizure and Forfeiture of Carriers Transporting, etc., Contraband Articles.
12. Interstate Commerce Act, Part III; Water Carriers [Repealed].
13. Interstate Commerce Act, Part IV; Freight Forwarders [Repealed].
14. Federal Aid for Public Airport Development [Repealed or Transferred].
15. International Aviation Facilities.
16. Development of Commercial Aircraft [Omitted].
Chap.
17. Medals of Honor for Acts of Heroism.
18. Airways Modernization [Repealed].
19. Interstate Commerce Act, Part V; Loan Guaranties [Repealed].
20. Federal Aviation Program.
21. Urban Mass Transportation.
22. High-Speed Ground Transportation [Omitted or Repealed].
23. Department of Transportation [Repealed in Part].
24. Natural Gas Pipeline Safety.
25. Aviation Facilities Expansion and Improvement [Repealed in Part].
26. Hazardous Materials Transportation Control [Repealed].
27. Hazardous Materials Transportation.
28. National Transportation Safety Board.
29. Hazardous Liquid Pipeline Safety.
30. Abatement of Aviation Noise.
31. Airport and Airway Improvement.
32. Commercial Motor Vehicles.
33. Public Airports.
34. Motor Carrier Safety.
35. Commercial Space Launch.

TITLE 50—WAR AND NATIONAL DEFENSE

1. Council of National Defense.
2. Board of Ordnance and Fortification [Repealed].
3. Alien Enemies.
4. Espionage [Repealed or Transferred].
4A. Photographing, Sketching, Mapping, etc., Defensive Installations [Repealed].
4B. Disclosure of Classified Information [Repealed].
4C. Atomic Weapons and Special Nuclear Materials Information Rewards.
5. Arsenals, Armories, Arms, and War Material Generally.
6. Willful Destruction, etc., of War or National-Defense Material [Repealed].
7. Interference with Homing Pigeons Owned by United States [Repealed].
8. Explosives; Manufacture, Distribution, Storage, Use, and Possession Regulated [Repealed].
9. Aircraft [Omitted, Repealed, or Transferred].
10. Helium Gas.
11. Acquisition of and Expenditures on Land for National-Defense Purposes [Repealed, Omitted, or Transferred].
12. Vessels in Territorial Waters of United States.
13. Insurrection.
14. Wartime Voting by Land and Naval Forces [Repealed].
15. National Security.
16. Defense Industrial Reserves.
17. Arming American Vessels [Repealed].
18. Air-Warning Screen.
19. Guided Missiles.

TITLE 50—WAR AND NATIONAL DEFENSE—Continued

Chap.
20. Wind Tunnels.
21. Abaca Production [Omitted].
22. Uniform Code of Military Justice [Repealed or Omitted].
22A. Representation of Armed Forces Personnel Before Foreign Judicial Tribunals [Repealed].
23. Internal Security.
24. National Defense Facilities [Repealed].
25. Armed Forces Reserve [Repealed or Omitted].
26. Gifts for Defense Purposes.
27. Reserve Officer Personnel Program [Repealed or Omitted].
28. Status of Armed Forces Personnel Appointed to Service Academies [Repealed].
29. National Defense Contracts.
30. Federal Absentee Voting Assistance [Transferred].
31. Advisory Commission on Intergovernmental Relations [Transferred, See Chapter 53 of Title 42].
32. Chemical and Biological Warfare Program.
33. War Powers Resolution.
34. National Emergencies.
35. International Emergency Economic Powers.
36. Foreign Intelligence Surveillance.

TITLE 50, APPENDIX—WAR AND NATIONAL DEFENSE

Proclamations, Executive Orders, Joint Resolutions and Treaties Respecting War, Neutrality and Peace.
Trading With the Enemy Act of 1917.
Soldiers' and Sailors' Civil Relief Act of 1918 [Omitted].
Selective Draft Act of 1917 [Omitted or Repealed].
Selective Training and Service Act of 1940 [Omitted or Repealed].
Office of Selective Service Records.
Service Extension Act of 1941 [Repealed].
Army Reserve and Retired Personnel Service Law of 1940 [Omitted].
Military Selective Service Act.
Soldiers' and Sailors' Civil Relief Act of 1940.
First War Powers Act, 1941 [Repealed, Omitted, or Transferred].
Second War Powers Act, 1942 [Repealed or Omitted].
Exportation Restrictions on Certain Articles [Repealed or Omitted].
Requisition of Military Equipment, Materials and Supplies [Omitted].
Territorial Use of Army and Extension of Service Period [Omitted, Transferred, or Repealed].
Civilian Protection From War Hazards [Omitted].
Decorations, etc., for Merchant Marine [Repealed].
Use of Public Lands for War Purposes [Repealed].
Miscellaneous Provisions Affecting Military Establishment [Omitted, Repealed, or Transferred].
Photographing, Mapping or Other Representation of Military or Defense Properties [Omitted].
Exemption of Certain Articles From Import Duties and Taxes [Omitted or Repealed].
Temporary Appointments, Promotions, etc., of Navy, Marine Corps, and Coast Guard Officers [Omitted or Repealed].
Jurisdiction of Prizes and Prize Proceedings [Transferred].
Certain Allowance Assistance for Civilian and Military Personnel [Repealed or Omitted].
Free Entry of Gifts From Members of Armed Forces [Omitted].
Free Postage for Armed Forces Personnel [Omitted].
Emergency Price Control Act of 1942 [Omitted].
Stabilization Act of 1942 [Omitted].
Extension of Sugar Controls [Omitted].
Missing Persons Act [Repealed].
Small Business Mobilization Act [Omitted, Transferred, or Repealed].
War and Defense Contract Acts [Omitted or Repealed].
National Emergency and War Shipping Acts.
Farm Labor Supply Appropriation Act, 1944 [Omitted].
War Overtime Pay Act of 1943 [Repealed].
Training of Nurses Through Grants to Institutions [Omitted].
Civilian Reemployment of Members of Merchant Marine [Repealed].
War Labor Disputes Act [Omitted].
Voluntary Enlistments in the Regular Militar Establishment [Repealed].

TITLE 50, APPENDIX—WAR AND NATIONAL DEFENSE—Continued

Women's Army Corps [Repealed].

United Nations Relief and Rehabilitation Administration [Omitted].

Temporary Appointments of Army Nurse Corps Members, etc., as Officers of Army of the United States [Omitted].

Disposal of Materials on Public Lands [Omitted].

Surplus Property Act of 1944.

War Mobilization and Reconversion Act of 1944 [Omitted].

Fleet Admiral of the Navy and General of the Army [Repealed].

Disposal of Censored Mail [Omitted].

Disbursing Officers' Additional Functions [Transferred].

General of the Marine Corps [Omitted].

Admiral in the Coast Guard [Omitted].

Exception of Navy or Coast Guard Vessels From Certain Navigation Rules [Transferred].

Sale of Surplus War-Built Vessels.

Rehabilitation of Philippines [Omitted].

Return and Interment of Persons Buried Outside United States [Repealed].

Veterans' Emergency Housing Program [Repealed or Omitted].

Naval Vessels as Atomic Targets [Omitted].

Admission of Alien Fiancées Into United States [Omitted].

Military Assistance to Philippine Republic [Omitted].

Naval Aid to China [Omitted].

Naval Aid to Foreign Nations [Omitted].

Housing and Rent Acts.

Stabilization of Economy and Commodity Prices.

Domestic Rubber-Producing Industry [Omitted].

Disposal of Government-Owned Rubber-Producing Facilities.

Displaced Persons, Refugees and Orphans [Omitted].

American-Japanese Evacuation Claims.

Medical Care for Philippine Veterans [Repealed].

War Claims.

Micronesian War and Postwar Claims [Omitted].

Export Controls [Omitted].

Alien Property Damage Claims [Omitted].

Defense Production Act of 1950.

Domestic Minerals Program Extension.

Domestic Tungsten, Asbestos, Fluorspar and Columbium-Tantalum Purchase Programs [Omitted].

Dependents Assistance Act of 1950 [Omitted or Repealed].

Civil Defense.

Emergency Food Aid to India [Omitted].

Korean Combat Pay [Repealed].

World War II License Agreements.

Emergency Ship Repair Program [Omitted].

Export Regulation.

TITLE 50, APPENDIX—WAR AND NATIONAL DEFENSE—Continued

Women's Army Corps (Omitted).

United Nations Relief and Rehabilitation Administration (Omitted).

Temporary Appointments of Army Nurse Corps Members, etc., as Officers of Army of the United States (Omitted).

Disposal of Materials on Public Lands (Omitted).

Surplus Property Act of 1944.

War Mobilization and Reconversion Act of 1944 (Omitted).

Fleet Admiral of the Navy and General of the Army (Repealed).

Emergency Officers' Retirement (Repealed).

Disbursing Officers' Accounts (Omitted or Transferred).

Defense of the Panama Canal (Omitted).

[illegible] (Omitted).

Exclusion of [illegible] From [illegible] Prohibited [illegible].

Sale of Surplus War-Built Vessels.

[illegible] of Philippine [illegible].

Return and Interment of Persons Buried Outside the United States (Omitted).

Veterans' Emergency Housing Program (Repealed or Omitted).

Naval Vessels as Atomic Targets (Omitted).

Admission of Alien Fiancées [illegible] into United States (Omitted).

Military Assistance to Philippine Republic (Omitted).

Naval Aid to China (Omitted).

Naval Aid to Foreign Nations (Omitted).

[illegible] and [illegible] Acts.

[illegible] Property and [illegible] Plants.

Domestic Rubber-Producing Industry (Omitted).

[illegible] Cotton [illegible] Facilities.

Inspection, Testing, [illegible] and Drydocks (Omitted).

Armed Forces Leave Act.

Medical Care [illegible] (Omitted).

War Claims.

[illegible] War and National Defense (Omitted).

[illegible] (Omitted).

Alien Property Damage Claims (Omitted).

Defense Production Act of 1950.

Domestic Minerals Program Extension.

Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Purchase Program (Omitted).

[illegible] Assistance Act (Omitted).

Civil Defense.

Emergency Food Aid to India (Omitted).

[illegible] Pay (Omitted).

World War II Lend-Lease Agreements.

[illegible] (Omitted).

Export Regulation.

Soldiers' and Sailors' Civil Relief Act of 1940.

First War Powers Act, 1941 (Repealed, Omitted, or Transferred).

Second War Powers Act, 1942 (Repealed or Omitted).

Missing Persons Act (Expanded).

[illegible] (Omitted, Transferred, or Repealed).

War and Defense Contract Acts (Omitted or Repealed).

National Emergency and War Housing Acts.

Farm Labor Supply Appropriation Act, 1943 (Omitted).

War Overtime Pay Act of 1943 (Repealed).

Training of Nurses Through Grants to Institutions (Omitted).

Civilian Reemployment of Members of Merchant Marine (Repealed).

War Labor Disputes Act (Omitted).

Voluntary Enlistments in the Regular Military Establishment (Expanded).

TITLE 43—PUBLIC LANDS

CHAPTER 2—GEOLOGICAL SURVEY

Sec.	
42a.	Use of receipts from sale of maps for map printing and distribution.
50a.	Deposit of amortization fees from providing telecommunications services.

§ 42a. Use of receipts from sale of maps for map printing and distribution

In fiscal year 1984 and thereafter, all receipts from the sale of maps sold or stored by the Geological Survey shall be available for map printing and distribution to supplement funds otherwise available, to remain available until expended.

(Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 926.)

§ 50. Survey's share of cost of topographic mapping or water resources investigations carried on with States

[See main edition for text]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1231.)

CODIFICATION

Section text is based on act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 269, as continued for the fiscal year covered by the appropriation act cited as the credit to this section.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1845.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 926.

Dec. 30, 1982, Pub. L. 97-394, title I, § 1, 96 Stat. 1972.

§ 50a. Deposit of amortization fees from providing telecommunications services

In fiscal year 1986 and thereafter, all amortization fees resulting from the Geological Survey providing telecommunications services shall be deposited in a special fund to be established on the books of the Treasury and be immediately available for payment of replacement or expansion of telecommunications services, to remain available until expended.

(Pub. L. 99-190, § 101(d) [title I, § 100], Dec. 19, 1985, 99 Stat. 1224, 1231.)

CHAPTER 7—HOMESTEADS

SUBCHAPTER II—RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY

§ 183. Minor veterans; serving in military establishment; relinquishment of entries

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 213, 237h, 336d of this title.

SUBCHAPTER IV—LIMITATION AS TO AMOUNT AND ADDITIONAL AND ENLARGED ENTRIES

§ 213. Additional entry on land contiguous to former entry of less than quarter section

Any homestead settler who has prior to April 28, 1904 entered, or may thereafter enter, less than one-quarter section of land, may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres.

Before a patent may issue on the additional entry, the entryman must show that he has cultivated an amount equal to one-eighth of the area of the additional entry for at least one year after the additional entry and until the submission of final proof thereon. The cultivation required with respect to the additional entry may be performed on the original entry, the additional entry or on both, but where it is performed on the original entry, it must be in addition to that required and relied upon in making final proof on the original entry. No proof of residence shall be required with respect to the additional entry.

The additional entry may be made before or after final proof has been made on the original entry. Final proof for the additional entry may be submitted only at the time of final proof for the original entry, or subsequent thereto, but must be submitted within five years after the additional entry is made.

This section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry. If the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

Commutation under the provisions of section 173 of this title shall not be allowed of an entry made under this section.

(Apr. 28, 1904, ch. 1776, §§ 2, 3, 33 Stat. 527; Aug. 3, 1950, ch. 521, 64 Stat. 398.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

Section is set out in this supplement to correct error in the main edition, consisting of failure to include last par.

SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD

§ 283. Rules and regulations; preference right of entry of World War II and Korean conflict veteran

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to on sections 279, 282, 284 of this title.

§ 284. Definitions; preference right of entry of World War II or Korean conflict veteran

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 279, 282, 283 of this title.

CHAPTER 8A—GRAZING LANDS

SUBCHAPTER I—GENERALLY

§ 315i. Disposition of moneys received; availability for improvements

Except as provided in sections 315h and 315j of this title, all moneys received under the authority of this subchapter shall be deposited in the Treasury of the United States as miscellaneous receipts, but the following proportions of the moneys so received shall be distributed as follows: (a) 12½ per centum of the moneys collected as grazing fees under section 315b of this title during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the grazing districts producing such moneys are situated, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the grazing districts producing such moneys are situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area in said district; (b) 50 per centum of all moneys collected under section 315m of this title [1] during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the lands producing such moneys are located, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the lands producing such moneys are located: *Provided*, That if any leased tract is in more than one State or county, the distributive share to each from the proceeds of said leased tract shall be proportional to its area in said leased tract.

(June 28, 1934, ch. 865, § 10, 48 Stat. 1273; June 26, 1936, ch. 842, title I, § 4, 49 Stat. 1978; Aug. 6, 1947, ch. 507, § 2, 61 Stat. 790; Oct. 21, 1976, Pub. L. 94-579, title IV, § 401(b)(2), 90 Stat. 2773.)

REFERENCES IN TEXT

Section 315m of this title, referred to in text, was in the original "said section", referring back to section 315m cited in a preceding provision which was deleted by Pub. L. 94-579 without correction to phrase "said section".

AMENDMENTS

1976—Pub. L. 94-579 in cl. (b) struck out authorization of availability of 25 per centum of all moneys collected under section 315m of this title during any fiscal year for construction, etc., of range improvements.

§ 315m. Lease of isolated or disconnected tracts for grazing; preferences

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315i of this title; title 16 section 670e.

CHAPTER 12—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
390g. Groundwater recharge of aquifers; demonstration program.
390g-1. Phase I of groundwater recharge demonstration program.
  (a) Development of detailed plan of demonstration projects; requisite features of plan.
  (b) Recommendation of demonstration projects.
  (c) Preliminary selection of projects.
  (d) Report to Congress.
390g-2. Phase II of groundwater recharge demonstration program.
  (a) Design, construction, and operation of projects.
  (b) Alternative means of cost allocation; economic feasibility of projects.
  (c) Reports to Congress.
390g-3. Evaluation of water quality impacts.
390g-4. Authorization of appropriations to carry out phase I.
390g-5. Authorization of appropriations to carry out phase II.
390g-6. Matching basis for funding phase II from non-Federal sources.
390g-7. New spending authority.
390g-8. Interstate transfer of water from Arkansas.

SUBCHAPTER I—GENERAL PROVISIONS

§ 371. Definitions

When used in sections 371, 376, 377, 412, 417, 433, 462, 466, 478, 493, 494, 500, 501, and 526 of this title—

[See main edition for text of (a) to (e); credits]

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[1] See References in Text note below.

CODIFICATION

Introductory provisions of this section are set out in this supplement to correct typographical error appearing in the main edition.

SHORT TITLE OF 1984 AMENDMENTS

For short title of Pub. L. 98-434 as the "High Plains States Groundwater Demonstration Program Act of 1983", see section 1 of Pub. L. 98-434, set out as a Short Title note under section 390g of this title.

For short title of Pub. L. 98-404 as "The Reclamation Safety of Dams Act Amendments of 1984", see section 1 of Pub. L. 98-404, set out as a note under section 506 of this title.

ACT REFERRED TO IN OTHER SECTIONS

The Reclamation Act is referred to in sections 164, 237h, 238, 336d, 373a, 374, 375, 375b, 384, 390, 390aa, 391a, 393, 413, 420, 422, 422b, 423h, 425, 434, 441, 442, 446, 447, 448, 451i, 455 to 455b, 472, 485a, 485h-5, 499a, 504, 505, 506, 508, 511, 522 to 525, 541, 544, 545, 547, 561, 564, 593a, 593b, 595, 597, 600b, 617k, 620c, 626, 628, 1303, 1511, 1554, 1573, 1592 of this title; title 7 section 1860; title 16 sections 406d-5, 460*l*-18 to 460*l*-20, 590z-8, 590z-11; title 25 section 382; title 30 sections 83, 84, 125, 191; title 50 App. section 568.

§ 377a. Limitation on use of funds where organizations or individuals are in arrears on contract charges

[*See main edition for text*]

(Nov. 1, 1985, Pub. L. 99-141, title II, § 200, 99 Stat. 570.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

July 16, 1984, Pub. L. 98-360, title II, § 200, 98 Stat. 410.

July 14, 1983, Pub. L. 98-50, title II, § 200, 97 Stat. 253.

Dec. 4, 1981, Pub. L. 97-88, title II, § 200, 95 Stat. 1140.

§ 390g. Groundwater recharge of aquifers; demonstration program

The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for groundwater recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 391 of this title (hereinafter referred to as "other Reclamation Act States"), as provided by sections 390g to 390g-8 of this title: *Provided*, That funds made available pursuant to sections 390g to 390g-8 of this title shall not be used for the study or construction of groundwater recharge demonstration projects in the High Plains States and other Reclamation Act States which would utilize water originating in the drainage basin of the Great Lakes. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out sections 390g to 390g-8 of this title.

(Pub. L. 98-434, § 2, Sept. 28, 1984, 98 Stat. 1675.)

SHORT TITLE

Section 1 of Pub. L. 98-434 provided: "That this Act [enacting sections 390g to 390g-8 of this title] may be cited as the 'High Plains States Groundwater Demonstration Program Act of 1983'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390g-3, 390g-7, 390g-8 of this title.

§ 390g-1. Phase I of groundwater recharge demonstration program

(a) Development of detailed plan of demonstration projects; requisite features of plan

During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided*, That contributions of such technical resources and assistance may be counted as part of the inkind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemical, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) Recommendation of demonstration projects

During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Preliminary selection of projects

Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

(d) Report to Congress

Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) of this section and a detailed statement of his findings and conclusions.

(Pub. L. 98-434, § 3, Sept. 28, 1984, 98 Stat. 1675.)

§ 390g-2. Phase II of groundwater recharge demonstration program

(a) Design, construction, and operation of projects

During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in subsection (c) of this section.

(b) Alternative means of cost allocation; economic feasibility of projects

During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective States and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

(c) Reports to Congress

(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) of this section and the study referred to in subsection (b) of this section.

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a) of this section;

(B) the results of the studies referred to in subsection (b) of this section;

(C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

(Pub. L. 98-434, § 4, Sept. 28, 1984, 98 Stat. 1676.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390g-3 of this title.

§ 390g-3. Evaluation of water quality impacts

The Secretary, acting through the Bureau, and the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall enter into a memorandum-of-understanding to provide for an evaluation of the impacts to surface water and groundwater quality resulting from the groundwater recharge demonstration projects constructed pursuant to sections 390g to 390g-8 of this title. The Administrator shall consult with the United States Geological Survey and shall make maximum use of data, studies, and other technical resources and assistance available from State and local entities in conducting the evaluation. The evaluation of water quality impacts shall be completed so as to be included in the Secretary's final report to the Congress referred to in section 390g-2(c)(2) of this title.

(Pub. L. 98-434, § 5, Sept. 28, 1984, 98 Stat. 1676.)

§ 390g-4. Authorization of appropriations to carry out phase I

There is authorized to be appropriated $500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

(Pub. L. 98-434, § 6, Sept. 28, 1984, 98 Stat. 1677.)

§ 390g-5. Authorization of appropriations to carry out phase II

There is authorized to be appropriated for fiscal years beginning after September 30, 1983, $20,000,000 (October 1983 price levels) to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in sums for individual projects based on findings of feasibility by the Secretary.

(Pub. L. 98-434, § 7, Sept. 28, 1984, 98 Stat. 1677.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390g-6 of this title.

§ 390g-6. Matching basis for funding phase II from non-Federal sources

The funds authorized to be appropriated pursuant to section 390g-5 of this title shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, inkind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

(Pub. L. 98-434, § 8, Sept. 28, 1984, 98 Stat. 1677.)

§ 390g-7. New spending authority

Any new spending authority described in subsection (c)(2)(A) or (B) of section 651 of title 2 which is provided under sections 390g to 390g-8 of this title (or under any amendment made by sections 390g to 390g-8 of this title) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 98-434, § 9, Sept. 28, 1984, 98 Stat. 1677.)

§ 390g-8. Interstate transfer of water from Arkansas

No funds authorized to be appropriated by sections 390g to 390g-8 of this title shall be used for any activities associated with:

(1) the interstate transfer of water from the State of Arkansas; or

(2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

(Pub. L. 98-434, § 10, Sept. 28, 1984, 98 Stat. 1677.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390g, 390g-3, 390g-7 of this title.

SUBCHAPTER I-A—RECLAMATION REFORM

§ 390cc. New or amended contracts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390ee, 390ff, 390hh, 508 of this title.

SUBCHAPTER II—RECLAMATION FUND GENERALLY

§ 391. Establishment of "reclamation fund"

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390g, 391a, 391a-1, 455b of this title.

SUBCHAPTER III—INSTITUTION AND CONSTRUCTION OF PROJECTS

§ 421c. Conditions of loan for distribution and drainage systems; reconveyance by Secretary of lands, interests in lands, and distribution works heretofore conveyed to the United States; conditions of reconveyance; rights of way

The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment of a loan under sections 421a to 421h of this title shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under sections 421a to 421h of this title may grant to a borrower or prospective borrower under sections 421a to 421h of this title revocable permission for the use thereof in like manner as under sections 79 and 524 of title 16, sections 323 to 328 of title 25, section 5024 of title 38, or sections 931a to 931d, 946 to 950, 956, and 959 of this title, or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes.

(July 4, 1955, ch. 271, § 3, 69 Stat. 245; May 14, 1956, ch. 268, 70 Stat. 155; Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 804.)

SUBCHAPTER IX—CONSTRUCTION CHARGES

§ 472. Installments on entries or applications made after August 13, 1914, and prior to December 5, 1924

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

SUBCHAPTER XI—MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 502. Emergency fund to assure continuous operation of projects and project facilities governed by Federal reclamation law

EMERGENCY FUND

Provisions relating to appropriations for the emergency fund to assure continuous operation of projects and project facilities governed by Federal reclamation law were contained in the following appropriation acts:

Pub. L. 99-141, title II, § 200, title III, § 300, Nov. 1, 1985, 99 Stat. 569, 575.

Pub. L. 98-360, title II, § 200, title III, § 300, July 16, 1984, 98 Stat. 409, 416.

Pub. L. 98-50, title II, § 200, title III, § 300, July 14, 1983, 97 Stat. 252, 257.

Pub. L. 97-88, title III, § 300, Dec. 4, 1981, 95 Stat. 1145.

Pub. L. 96-367, title I, § 100, Oct. 1, 1980, 94 Stat. 1335.

Pub. L. 96-69, title I, § 100, Sept. 25, 1979, 93 Stat. 440.

Pub. L. 94-355, title III, § 300, July 12, 1976, 89 Stat. 895.

Pub.L. 93-393, title III, § 300, Aug. 28, 1974, 88 Stat. 787.

Pub. L. 93-97, title III, § 300, Aug. 16, 1973, 87 Stat. 321.

Pub. L. 92-134, title III, § 300, Oct. 5, 1971, 85 Stat. 370.

Pub. L. 91-144, title III, § 300, Dec. 11, 1969, 83 Stat. 331.

Pub. L. 89-689, title II, § 200, Oct. 15, 1966, 80 Stat. 1008.

Pub. L. 88-511, title II, § 200, Aug. 30, 1964, 78 Stat. 687.

Pub. L. 87-880, title II, § 200, Oct. 24, 1962, 76 Stat. 1221.

SUBCHAPTER XI-A—RECLAMATION SAFETY OF DAMS

§ 506. Authority of Secretary to make modifications

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-404, § 1, Aug. 28, 1984, 98 Stat. 1481, provided in part: "That this Act [amending sections 508 and 509 of this title] may be cited as 'The Reclamation Safety of Dams Act Amendments of 1984'."

FACILITIES INCLUDED WITHIN SCOPE OF RECLAMATION SAFETY OF DAMS ACT OF 1978

Pub. L. 95-578, § 12, as added Pub. L. 98-404, § 1(4), Aug. 28, 1984, 98 Stat. 1482, provided that: "Included within the scope of this Act [this subchapter] are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and Warm Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act."

§ 508. Costs incurred in the modification of structures

[*See main edition for text of* (*a*)]

(b) Nonreimbursable costs resulting from new hydrologic or seismic data or changes in criteria

With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978 [43 U.S.C. 509], costs heretofore or hereafter incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes shall be nonreimbursable and nonreturnable under the Federal Reclamation law.

(c) Reimbursable costs resulting from new hydrologic or seismic data or changes in criteria

With respect to the additional $650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, costs incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes, shall be reimbursed to the extent provided in this subsection.

(1) Fifteen percent of such costs shall be allocated to the authorized purposes of the structure, except that in the case of Jackson Lake Dam, Minidoka Project, Idaho-Wyoming, such costs shall be allocated in accordance with the allocation of operation and maintenance charges.

(2) Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within 50 years of the year in which the work undertaken pursuant to this subchapter is substantially complete. Costs allocated to irrigation water service which are beyond the water users' ability to pay shall be reimbursed in accordance with existing law.

(3) Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended [16 U.S.C. 460*l*-12 et seq.].

(4) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable under the Federal Water Project Recreation Act [16 U.S.C. 460*l*-12 et seq.], shall be repaid within 50 years with interest. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period during the month preceding the fiscal year in which the costs are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(d) Contracts for return of costs

The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this subchapter: *Provided, however,* That no contract entered into pursuant to this subchapter shall be deemed to be a new or amended contract for the purposes of section 390cc(a) of this title.

(As amended Pub. L. 98-404, § 1(1), (2), Aug. 28, 1984, 98 Stat. 1481.)

REFERENCES IN TEXT

The $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, referred to in subsec. (b), probably refers to the authorization originally contained in section 509 of this title. See 1984 Amendment note set out under section 509 of this title.

The Federal Reclamation law, referred to in subsec. (b), probably means act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, which are classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

The Reclamation Safety of Dams Act Amendments of 1984, referred to in subsec. (c) in provisions preceding par. (1), is Pub. L. 98-404, Aug. 28, 1984, 98 Stat. 1481, which amended this section and section 509 of this title. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 506 of this title and Tables.

The Federal Water Project Recreation Act, referred to in subsec. (c)(3), (4), is Pub. L. 89-72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*-12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-12 of Title 16 and Tables.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-404, § 1(1), substituted "With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs" for "Costs".

Subsecs. (c), (d). Pub. L. 98-404, § 1(2), added subsecs. (c) and (d).

§ 509. Authorization of appropriations; report to Congress

There are hereby authorized to be appropriated for fiscal year 1979 and ensuing fiscal years such sums as may be necessary and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding $750,000 shall be obligated for carrying out actual construction to modify an existing dam under authority of this subchapter prior to sixty days (which sixty days shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the date that the Secretary has transmitted a report on such existing dam to the Congress. The report required to be submitted by this section will consist of a finding by the Secretary of the Interior to the effect that modifications are required to be made to insure the safety of an existing dam. Such finding shall be accompanied by a technical report containing information on the need for structural modification, the corrective action deemed to be required, alternative solutions to structural modification that were considered, the estimated cost of needed modifications, and environmental impacts if any resulting from the implementation of the recommended plan of modification.

(As amended Pub. L. 98-404, § 1(3), Aug. 28, 1984, 98 Stat. 1482.)

AMENDMENTS

1984—Pub. L. 98-404 substituted "and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding $750,000" for ", but not to exceed $100,000,000, to carry out the provisions of this subchapter of this title to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds".

SUBCHAPTER XXXI—CLOSED BASIN DIVISION; SAN LUIS VALLEY PROJECT, COLORADO

§§ 615aaa to 615lll. Omitted

CODIFICATION

Section 615aaa, Pub. L. 92-514, title I, § 101, Oct. 20, 1972, 86 Stat. 964; Pub. L. 96-375, § 6(a), Oct. 3, 1975, 94 Stat. 1507; Pub. L. 98-570, § 1(1), (2), Oct. 30, 1984, 98 Stat. 2941, authorized the construction, operation, and maintenance of the Closed Basin division, San Luis Valley project, Colorado, established the Russell Lakes Waterfowl Management Area, and provided a water supply for the Blanca Wildlife Habitat Area and the Alamosa National Wildlife Refuge.

Section 615bbb, Pub. L. 92-514, title I, § 102, Oct. 20, 1972, 86 Stat. 964; Pub. L. 96-375, § 6(b), Oct. 3, 1975, 94 Stat. 1507, related to a control system to identify fluctuations in the water table.

Section 615ccc, Pub. L. 92-514, title I, § 103, Oct. 20, 1972, 86 Stat. 965, established an operating committee.

Section 615ddd, Pub. L. 92-514, title I, § 104, Oct. 20, 1972, 86 Stat. 965; Pub. L. 98-570, § 1(3), Oct. 30, 1984, 98 Stat. 2941, related to costs and priority of water availability.

Section 615eee, Pub. L. 92-514, title I, § 105, Oct. 20, 1972, 86 Stat. 965; Pub. L. 98-570, § 1(4), (5), Oct. 30, 1984, 98 Stat. 2942, related to easements and rights-of-way.

Section 615fff, Pub. L. 92-514, title I, § 106, Oct. 20, 1972, 86 Stat. 966, related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project.

Section 615ggg, Pub. L. 92-514, title I, § 107, Oct. 20, 1972, 86 Stat. 966, provided for the transfer of the responsibility for the care, operation and maintenance of project works to the State of Colorado, or political subdivision thereof, or to a water users' organization.

Section 615hhh, Pub. L. 92-514, title I, § 108, Oct. 20, 1972, 86 Stat. 966, provided that nothing in Pub. L. 92-514, enacted sections 615aaa to 615jjjj of this title, be deemed to amend, modify, or conflict with any existing provisions.

Section 615lll, Pub. L. 92-514, title I, § 109, Oct. 20, 1972, 86 Stat. 966; Pub. L. 96-375, § 6(c), Oct. 3, 1975, 94 Stat. 1507, authorized appropriations for this project.

SUBCHAPTER XXXII—BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

§§ 615jjj to 615ooo. Omitted

CODIFICATION

Section 615jjj, Pub. L. 92-514, title II, § 201, Oct. 20, 1972, 86 Stat. 966, authorized construction, operation, and maintenance of the Brantley project, Pecos River Basin, New Mexico.

Section 615kkk, Pub. L. 92-514, title II, § 202, Oct. 20, 1972, 86 Stat. 966, related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project.

Section 615*lll*, Pub. L. 92-514, title II, § 203, *Oct. 20, 1972, 86 Stat. 967*, provided that nothing in Pub. L. 92-514, enacted sections 615aaa to 615jjjj of this title, amend, repeal, or modify the Pecos River Compact, 1948.

Section 615mmm, Pub. I. 92-514, title II, § 204, Oct. 20, 1972, 86 Stat. 967, related to repayment of costs for flood control, dam safety, recreation, and fish and wildlife enhancement.

Section 615nnn, Pub. L. 92-514, title II, § 205, Oct. 20, 1972, 86 Stat. 967, related to interest rates.

Section 615ooo, Pub. L. 92-514, title II, § 206, Oct. 20, 1972, 86 Stat. 967; Pub. L. 96-375, § 11, Oct. 3, 1975, 94 Stat. 1507, authorized appropriations for this project.

CHAPTER 12A—BOULDER CANYON PROJECT

SUBCHAPTER III—HOOVER DAM CONTRACTS AND FACILITIES

Sec.
619. Increase in capacity of existing generating equipment at Hoover Powerplant; construction of Colorado River bridge crossing.
  (a) Hoover Powerplant generating equipment; increase in capacity; improvement of appurtenances; authorization of Secretary.
  (b) Construction of Colorado River bridge crossing; authorization of Secretary.
619a. Renewal contracts for power.
  (a) Offering of contracts by Secretary; total power obligation; conforming of regulations; contract expiration and restrictions.
  (b) Prejudice of rights of contract holders under Boulder Canyon Project Act.
  (c) Execution of contract with parties to certain litigation; offer of contract to other entities.
  (d) Funding of uprating program.
  (e) Deposit of uprating program funds in Colorado River Dam Fund.
  (f) Amounts advanced by non-Federal purchasers; financial integration as capital costs.
  (g) Congressional exercise of reserved right.
  (h) Court challenges; disputes and disagreements.
  (i) Congressional declaration of purpose.
619b. Reimbursement of funds advanced by non-Federal purchasers; uprating program; repayment requirement; visitor facilities program.

SUBCHAPTER I—BOULDER CANYON PROJECT ACT

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 392a, 618a, 618e, 618g, 618h, 618j, 618k, 618m, 619a, 620f, 620h, 620m, 1524, 1551, 1552, 1597 of this title.

§ 617. Colorado River Basin; protection and development; dam, reservoir, and incidental works; water, water power, and electrical energy; eminent domain

Construction With Other Laws

Pub. L. 98-381, title I, § 103(b), Aug. 17, 1984, 98 Stat. 1334, provided that: "Except as amended by this Act [amending sections 617a and 617b of this title], the Boulder Canyon Project Act of 1928 (45 Stat. 1057, as amended, 43 U.S.C. 617 et seq.), as amended and supplemented [this subchapter], shall remain in full force and effect."

§ 617a. "Colorado River Dam Fund"

[See main edition for text of (a)]

(b) Advancements to fund by the Secretary of the Treasury; allocation; repayment; interest

The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this subchapter..[1] Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per centum of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 617c of this title. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per centum of all net revenues shall be applied to payment of the remainder. Interest at the rate of 4 per centum per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund, except as herein otherwise provided.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 98-381, title I, § 103(a)(1), Aug. 17, 1984, 98 Stat. 1334.)

Amendments

1984—Subsec. (b). Pub. L. 98-381 substituted a period for ", except that the aggregate amount of such advances shall not exceed the sum of $165,000,000" at end of first sentence.

§ 617b. Authorization of appropriations

There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this subchapter, not exceeding in the aggregate $242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the uprating program and the visitor facilities program.

(As amended Pub. L. 98-381, title I, § 103(a)(2), Aug. 17, 1984, 98 Stat. 1334.)

Amendments

1984—Pub. L. 98-381 substituted "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the uprating program and the visitor facilities program" for "$165,000,000".

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[1] So in original.

§ 617d. Contracts for storage and use of waters for irrigation and domestic purposes; generation and sale of electrical energy

Section Referred to in Other Sections

This section is referred to in sections 617e, 617g, 617o, 619a, 1572 of this title.

SUBCHAPTER II—BOULDER CANYON PROJECT ADJUSTMENT ACT

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 619a, 1551, 1552, 1597 of this title.

§ 618. Promulgation of charges for electrical energy

The Secretary of the Interior is authorized and directed to, and he shall, promulgate charges, or the basis of computation thereof, for electrical energy generated at Hoover Dam beginning June 1, 1937, computed to be sufficient, together with other net revenues from the project, to accomplish the following purposes:

(a) To meet the cost of operation and maintenance, and to provide for replacements, of the project beginning June 1, 1937;

(b) To repay to the Treasury, with interest, the advances to the Colorado River Dam Fund for the project made prior to June 1, 1937, within fifty years from that date (excluding advances allocated to flood control by section 617a(b) of this title, which shall be repayable as provided in section 618f of this title), and such advances made on and after June 1, 1937, over fifty-year periods;

(c) To provide $600,000 for each of the years and for the purposes specified in section 618a(c) of this title;

(d) To provide $500,000 for each of the years and for the purposes specified in section 618a(d) of this title; and

(e) To provide, by application of the increments to rates specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented [43 U.S.C. 1543(c)(2)], revenues, from and after June 1, 1987, for application to the purposes there specified.

Such charges may be made subject to revisions and adjustments at such times, to such extent, and in such manner, as by the terms of their promulgation the Secretary shall prescribe.

(As amended Pub. L. 98-381, title I, § 104(a)(1)-(3), Aug. 17, 1984, 98 Stat. 1334.)

Amendments

1984—Pub. L. 98-381, § 104(a)(1), substituted "beginning June 1, 1937" for "during the period beginning June 1, 1937, and ending May 31, 1987" in provisions preceding subsec. (a).

Subsec. (a). Pub. L. 98-381, § 104(a)(1), substituted "beginning June 1, 1937" for "during the period beginning June 1, 1937, and ending May 31, 1987".

Subsec. (b). Pub. L. 98-381, § 104(a)(2), substituted "and such advances made on or after June 1, 1937, over fifty-year periods" for "and such portion of such advances made on or after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987".

Subsec. (e). Pub. L. 98-381, § 104(a)(3), added subsec. (e).

Construction With Other Laws

Pub. L. 98-381, title I, § 104(b), Aug. 17, 1984, 98 Stat. 1335, provided that: "Except as amended by this Act [amending sections 618, 618a, 618e, and 618k of this title], the Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774, as amended, 43 U.S.C. 618), as amended and supplemented [this subchapter], shall remain in full force and effect."

Section Referred to in Other Sections

This section is referred to in section 618a of this title.

§ 618a. Receipts from project; disposition

All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

(a) Defraying operating expenses

Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations Acts;

[*See main edition for text of* (b) *to* (d)]

(e) Transfer to Lower Colorado River Basin Development Fund

Transfer to the Lower Colorado River Basin Development Fund established by title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented [43 U.S.C. 1541 et seq.], of the revenues referred to in section 618(e) of this title.

(As amended Pub. L. 98-381, title I, § 104(a)(4), Aug. 17, 1984, 98 Stat. 1334.)

References in Text

The Colorado River Basin Project Act, referred to in subd. (e), is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. Title IV of the Act is classified to subchapter IV (§ 1541 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Amendments

1984—Pub. L. 98-381, § 104(a)(4)(i), amended introductory provisions generally, inserting ", without further appropriation," after "available".

Subd. (a). Pub. L. 98-381, § 104(a)(4)(i), substituted "Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations Acts;" for "Annual appropriation for the operation, maintenance, and replacements of the project, including emergency replacements necessary to insure continuous operations;".

Subd. (e). Pub. L. 98-381, § 104(a)(4)(ii), substituted provisions relating to the transfer of funds to the Lower Colorado River Basin Development Fund for provisions which had made available receipts from the project paid into the Colorado River Dam Fund, for annual appropriation for fiscal years 1948 to 1951 for payment to Boulder City School District as reimbursement for pupil instructions not exceeding $65 per semester per pupil.

§ 618d. Readvances from Treasury where Dam Fund is insufficient to meet cost of replacements

READVANCES TO COLORADO RIVER DAM FUND; INTEREST RATE ON READVANCES

Pub. L. 99-141, title II, § 200, Nov. 1, 1985, 99 Stat. 568, provided: "That of the total appropriated [for operation and maintenance of reclamation projects], such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381 [amending section 618e of this title]".

§ 618e. Interest payments; rate

Whenever by the terms of the Project Act [43 U.S.C. 617 et seq.] or this subchapter payment of interest is provided for, and whenever interest shall enter into any computation thereunder, such interest shall be computed at the rate of 3 per centum per annum, compounded annually: *Provided*, That the respective rates of interest on appropriated funds advanced for the visitor facilities program, as described in section 619(a) of this title, shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the program during the month preceding the fiscal year in which the costs of the program are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish for repayment purposes an interest rate at a weighted average of the rates so determined.

(As amended Pub. L. 98-381, title I, § 104(a)(5), Aug. 17, 1984, 98 Stat. 1335.)

AMENDMENTS

1984—Pub. L. 98-381 added proviso relating to the rates of interest on appropriated funds advanced for the visitors' facilities program.

§ 618k. Definitions

The following terms wherever used in this subchapter shall have the following respective meanings:

[*See main edition for text of first to fourth unnumbered pars.*]

"Replacements" shall mean such replacements as may be necessary to keep the project in good operating condition beginning June 1, 1937, but shall not include (except where used in conjunction with the word "emergency" or the words "however necessitated") replacements made necessary by any act of God, or of the public enemy, or by any major catastrophe; and

[*See main edition for text of last unnumbered par.*]

(As amended Pub. L. 98-381, title I, § 104(a)(6), Aug. 18, 1984, 98 Stat. 1335.)

AMENDMENTS

1984—Pub. L. 98-381 substituted "beginning June 1, 1937" for "during the period from June 1, 1937, to May 31, 1987, inclusive" in definition of "Replacements".

SUBCHAPTER III—HOOVER DAM CONTRACTS AND FACILITIES

§ 619. Increase in capacity of existing generating equipment at Hoover Powerplant; construction of Colorado River bridge crossing

(a) Hoover Powerplant generating equipment; increase in capacity; improvement of appurtenances; authorization of Secretary

The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter in this subchapter referred to as "uprating program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter in this subchapter referred to as "visitor facilities program").

(b) Construction of Colorado River bridge crossing; authorization of Secretary

The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

(Pub. L. 98-381, title I, § 101, Aug. 17, 1984, 98 Stat. 1333.)

REFERENCES IN TEXT

This subchapter, was in the original "this Act", meaning Pub. L. 98-381, Aug. 17, 1984, 98 Stat. 1333, which enacted this subchapter and sections 7274 and 7275 of Title 42, The Public Health and Welfare, and amended sections 617a, 617b, 618, 618a, 618e, 618k, and 1543 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 98-381 provided that: "This Act [enacting this subchapter, provisions set out as notes under sections 617 and 618 of this title and section 839b of Title 16, Conservation, sections 7274 and 7275 and provisions set out as a note under section 7133 of Title 42, The Public Health and Welfare, and amending sections 617a, 617b, 618, 618a, 618e, 618k, and 1543 of this title] may be cited as the 'Hoover Power Plant Act of 1984'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 618e, 619a, 619b of this title.

§ 619a. Renewal contracts for power

(a) Offering of contracts by Secretary; total power obligation; conforming of regulations; contract expiration and restrictions

(1) The Secretary of Energy shall offer:

(A) To each contractor for power generated at Hoover Dam a renewal contract for delivery commencing June 1, 1987, of the amount of capacity and firm energy specified for that contractor in the following table:

SCHEDULE A

LONG TERM CONTINGENT CAPACITY AND ASSOCIATED FIRM ENERGY RESERVED FOR RENEWAL CONTRACT OFFERS TO CURRENT BOULDER CANYON PROJECT CONTRACTORS

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		Total
		Summer	Winter	
Metropolitan Water District of Southern California	247,500	904,382	387,592	1,291,974
City of Los Angeles	490,875	488,535	209,658	698,193
Southern California Edison Company	277,500	175,486	75,208	250,694
City of Glendale	18,000	47,398	20,313	67,711
City of Pasadena	11,000	40,655	17,424	58,079
City of Burbank	5,125	14,811	6,347	21,158
Arizona Power Authority	189,000	452,192	193,797	645,989
Colorado River Commission of Nevada	189,000	452,192	193,797	645,989
United States, for Boulder City	20,000	56,000	24,000	80,000
Totals	1,448,000	2,631,651	1,128,136	3,759,787

(B) To purchasers in the States of Arizona, Nevada and California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act [43 U.S.C. 617d], contracts for delivery commencing June 1, 1987, or as it thereafter becomes available, of capacity resulting from the uprating program and for delivery commencing June 1, 1987, of associated firm energy as specified in the following table:

SCHEDULE B

CONTINGENT CAPACITY RESULTING FROM THE UPRATING PROGRAM AND ASSOCIATED FIRM ENERGY

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Arizona	188,000	148,000	64,000	212,000
California	127,000	99,850	43,364	143,214
Nevada	188,000	288,000	124,000	412,000
Totals	503,000	535,850	231,364	767,214

Provided, however, That in the case of Arizona and Nevada, such contracts shall be offered to the Arizona Power Authority and the Colorado River Commission of Nevada, respectively, as the agency specified by State law as the agent of such State for purchasing power from the Boulder Canyon project: *Provided further,* That in the case of California, no such contract under this subparagraph (B) shall be offered to any purchaser who is offered a contract for capacity exceeding 20,000 kilowatts under subparagraph (A) of this paragraph.

(C) To the Arizona Power Authority and the Colorado River Commission of Nevada and to purchasers in the State of California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act [43 U.S.C. 617d], contracts for delivery commencing June 1, 1987, of such energy generated at Hoover Dam as is available respectively to the States of Arizona, Nevada, and California in excess of 4,501.001 million kilowatthours in any year of operation (hereinafter called excess energy) in accordance with the following table:

SCHEDULE C

EXCESS ENERGY

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: *Provided, however,* That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in the amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under schedule A of subsection (a)(1)(A) of this section and under schedule B of subsection (a)(1)(B) of this section not exceeding 26 million kilowatthours in each year of operation.	....
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, California

(2) The total obligation of the Secretary of Energy to deliver firm energy pursuant to schedule A of subsection (a)(1)(A) of this section and schedule B of subsection (a)(1)(B) of this section is 4,527.001 million kilowatthours in each year of operation. To the extent that the actual generation at Hoover Powerplant in any year of operation (less deliveries thereof to Arizona required by its first priority under schedule C of subsection (a)(1)(C) of this section whenever actual generation in any year of operation is in excess of 4,501.001 million kilowatthours) is less than 4,527.001 million kilowatthours, such deficiency shall be borne by the holders of contracts under said schedules A and B in the ratio that the sum of the quantities of firm energy to which each contractor is entitled pursuant to said schedules bears to 4,527.001 million kilowatthours. At the request of any such contractor, the Secretary of Energy will purchase energy to meet that contractor's deficiency at such contractor's expense.

(3) Subdivision E of the "General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects" published in the Federal Register May 9, 1983 (48 Federal Register commencing at 20881), hereinafter referred to as the "Criteria" or as the "Regulations"

shall be deemed to have been modified to conform to this section. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of said Regulations to such modifications.

(4) Each contract offered under subsection (a)(1) of this section shall:

(A) expire September 30, 2017;

(B) not restrict use to which the capacity and energy contracted for by the Metropolitan Water District of Southern California may be placed within the State of California: *Provided*, That to the extent practicable and consistent with sound water management and conservation practice, the Metropolitan Water District of Southern California shall use such capacity and energy to pump available Colorado River water prior to using such capacity and energy to pump California State water project water; and

(C) conform to the applicable provisions of subdivison E of the Criteria, commencing at 48 Federal Register 20881, modified as provided in this section. To the extent that said provisions of the Criteria, as so modified, are applicable to contracts entered into under this section, those provisions are hereby ratified.

(b) Prejudice of rights of contract holders under Boulder Canyon Project Act

Nothing in the Criteria shall be construed to prejudice any rights conferred by the Boulder Canyon Project Act, as amended and supplemented [43 U.S.C. 617 et seq.], on the holder of a contract described in subsection (a) of this section not in default thereunder on September 30, 2017.

(c) Execution of contract with parties to certain litigation; offer of contract to other entities

(1) The Secretary of Energy shall not execute a contract described in subsection (a)(1)(A) of this section with any entity which is a party to the action entitled the "State of Nevada, et al. against the United States of America, et al." in the United States District Court for the District of Nevada, case numbered CV LV '82 441 RDF, unless that entity agrees to file in that action a stipulation for voluntary dismissal with prejudice of its claims, or counterclaims, or crossclaims, as the case may be, and also agrees to file with the Secretary a document releasing the United States, its officers and agents, and all other parties to that action who join in that stipulation from any claims arising out of the disposition under this section of capacity and energy from the Boulder Canyon project. The Attorney General shall join on behalf of the United States, its officers and agents, in any such voluntary dismissal and shall have the authority to approve on behalf of the United States the form of each release.

(2) If after a reasonable period of time as determined by the Secretary, the Secretary is precluded from executing a contract with an entity by reason of paragraph (1) of this subsection, the Secretary shall offer the capacity and energy thus available to other entities in the same State eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act [43 U.S.C. 617d].

(d) Funding of uprating program

The uprating program authorized under section 619(a) of this title shall be undertaken with funds advanced under contracts made with the Secretary of the Interior by non-Federal purchasers described in subsection (a)(1)(B) of this section. Funding provided by non-Federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(e) Deposit of uprating program funds in Colorado River Dam Fund

Notwithstanding any other provisions of the law, funds advanced by non-Federal purchasers for use in the uprating program shall be deposited in the Colorado River Dam Fund and shall be available for the uprating program.

(f) Amounts advanced by non-Federal purchasers; financial integration as capital costs

Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate-setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the uprating program.

(g) Congressional exercise of reserved right

The provisions of this section constitute an exercise by the Congress of the right reserved by it in section 5(b) of the Boulder Canyon Project Act, as amended and supplemented [43 U.S.C. 617d(b)], to prescribe terms and conditions for the renewal of contracts for electrical energy generated at Hoover Dam. This section constitutes the exclusive method for disposing of capacity and energy from Hoover Dam for the period beginning June 1, 1987, and ending September 30, 2017.

(h) Court challenges; disputes and disagreements

(1) Notwithstanding any other provision of law, any claim that the provisions of subsection (a) of this section violates any rights to capacity or energy from the Boulder Canyon project is barred unless the complaint is filed within one year after August 17, 1984, in the United States Claims Court which shall have exclusive jurisdiction over this action. Any claim that actions taken by any administrative agency of the United States violates any right under this subchapter or the Boulder Canyon Project Act [43 U.S.C. 617 et seq.] or the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.] is barred unless suit asserting such claim is filed in a Federal court of competent jurisdiction within one year after final refusal of such agency to correct the action complained of.

(2) Any contract entered into pursuant to this section or section 107 of this Act [42 U.S.C. 7133 note] shall contain provisions by which any dispute or disagreement as to interpretation or performance of the provisions of this subchapter or of applicable regulations or of the contract may be determined by arbitration or court proceedings. The Secretary of Energy or the Secretary of the Interior, as the case

may be, if authorized to act for the United States in such arbitration or court proceedings and, except as provided in paragraph (1) of this subsection, jurisdiction is conferred upon any district court of the United States of proper venue to determine the dispute.

(i) Congressional declaration of purpose

It is the purpose of subsections (c), (g), and (h) of this section to ensure that the rights of contractors for capacity and energy from the Boulder Canyon project for the period beginning June 1, 1987, and ending September 30, 2017, will vest with certainty and finality.

(Pub. L. 98-381, title I, § 105, Aug. 17, 1984, 98 Stat. 1335.)

References in Text

The Boulder Canyon Project Act, referred to in subsecs. (b) and (h)(1), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in subsec. (h)(1), is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of this chapter. For complete classification of this Act to the Code, see section 618o of this title and Tables.

Section 107 of this Act, referred to in subsec. (h)(2), is section 107 of Pub. L. 98-381, which is set out as a note under section 7133 of Title 42, The Public Health and Welfare.

This subchapter, was in the original "this Act", meaning Pub. L. 98-381, Aug. 17, 1984, 98 Stat. 1333, which enacted this subchapter and sections 7274 and 7275 of Title 42, and amended sections 617a, 617b, 618, 618a, 618e, 618k, and 1543 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 619 of this title and Tables.

§ 619b. Reimbursement of funds advanced by non-Federal purchasers; uprating program; repayment requirement; visitor facilities program

Reimbursement of funds advanced by non-Federal purchasers for the uprating program shall be a repayment requirement of the Boulder Canyon project beginning with the first day of the month following completion of each segment thereof. The cost of the visitor facilities program as defined in section 619(a) of this title shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

(Pub. L. 98-381, title I, § 106, Aug. 17, 1984, 98 Stat. 1339.)

CHAPTER 12B—COLORADO RIVER STORAGE PROJECT

Chapter Referred to in Other Sections

This chapter is referred to in sections 620c-1, 1551, 1552, 1592, 1595, 1597 of this title; title 16 section 460dd-3.

§ 620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Wayne N. Aspinall, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon: *Provided*, That the Wayne N. Aspinall Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level, and that construction thereof shall not be undertaken until the Secretary has, on the basis of further engineering and economic investigations, reexamined the economic justification of such unit and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress and to the President that, in his judgment, the benefits of such unit will exceed its costs; and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter referred to as participating projects: Central Utah (initial phase and the Uintah unit), San Juan-Chama (initial stage), Emery County, Florida, Hammond, La Barge, Lyman, Navajo Indian, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel, Seedskadee, Savery-Pot Hook, Bostwick Park, Fruitland Mesa, Silt and Smith Fork: *Provided further*, That as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument.

(Apr. 11, 1956, ch. 203, § 1, 70 Stat. 105; June 13, 1962, Pub. L. 87-483, § 18, 76 Stat. 102; Sept. 2, 1964, Pub. L. 88-568, § 1, 78 Stat. 852; Sept. 30, 1968, Pub. L. 90-537, title V, § 501(a), 82 Stat. 896; Oct. 3, 1980, Pub. L. 96-375, § 7, 94 Stat. 1507; Oct. 19, 1980, Pub. L. 96-470, title I, § 108(c), 94 Stat. 2239.)

Codification

Section is set out in this supplement to correct typographical error appearing in the main edition.

§ 620d. Upper Colorado River Basin Fund

[*See main edition for text of* (*a*) *to* (*c*)]

(d) Payments of revenues in excess of operating needs to Treasury

Revenues in the Basin Fund in excess of operating needs shall be paid annually to the general fund of the Treasury to return—

[*See main edition for text of* (*1*) *to* (*4*)]

(5) the costs of each salinity control unit or separable feature thereof, the costs of measures to replace incidental fish and wildlife values foregone, and the costs of the on-farm measures payable from the Upper Colorado River Basin Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(c) of this title.

(e) Apportionment of excess revenues among States

[*See main edition for text of first par.*]

Revenues so apportioned to each State shall be used only for the repayment of construction costs of participating projects or parts of such projects in the State to which such revenues are apportioned and shall not be used for such purpose in any other State without the consent, as expressed through its legally constituted authority, of the State to which such revenues are apportioned. Subject to such requirement, there shall be paid annually into the general fund of the Treasury from the revenues apportioned to each State (1) the costs of each participating project herein authorized (except Paonia) or any separable feature thereof, which are allocated to irrigation pursuant to section 620e of this title, within a period not exceeding fifty years, in addition to any development period authorized by law, from the date of completion of such participating project or separable feature thereof, or, in the case of Indian lands, payment in accordance with section 620c of this title; (2) costs of the Paonia project, which are beyond the ability of the water users to repay, within a period prescribed in the Act of June 25, 1947 (61 Stat. 181); and (3) costs in connection with the irrigation features of the Eden project as specified in the Act of June 28, 1949 (63 Stat. 277).

[*See main edition for text of* (*f*) *and* (*g*)]

(As amended Oct. 30, 1984, Pub. L. 98-569, § 4(h), 98 Stat. 2939.)

CODIFICATION

The second par. of subsec. (e) is set out in this supplement to correct typographical error appearing in the main edition.

AMENDMENTS

1984—Subsec. (d)(5). Pub. L. 98-569 added ", the costs of measures to replace incidental fish and wildlife values foregone, and the costs of the on-farm measures" before "payable".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

CHAPTER 16—SALE AND DISPOSAL OF PUBLIC LANDS

§ 682b. Minimum selling price; reservation of mineral rights

No tract shall be sold for less than the cost of making any survey necessary to describe properly the land sold. Patents for all tracts purchased under the provisions of sections 682a to 682e of this title shall contain a reservation to the United States of the oil, gas, and all other mineral deposits, together with the right to prospect for, mine, and remove the same under applicable law and such regulations as the Secretary may prescribe.

(June 1, 1938, ch. 317, § 2, as added June 8, 1954, ch. 270, 68 Stat. 239.)

CODIFICATION

Section is set out in this supplement to correct typographical error appearing in the main edition.

CHAPTER 18—SURVEY OF PUBLIC LANDS

§ 759. Survey for and by settlers in township

When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of such agency as the Secretary of the Interior may designate and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for such agency, under such instructions as may be given by the Secretary of the Interior or such officer as he may designate, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys.

(R.S. § 2401; Aug. 20, 1894, ch. 302, § 1, 28 Stat. 423; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is set out in this supplement to correct typographical error appearing in the main edition.

CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

§ 959. Rights of way for electrical plants, etc.

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

(Feb. 15, 1901, ch. 372, 31 Stat. 790.)

References in Text

Title sixty-five of the Revised Statutes of the United States, and amendments thereto, referred to in text, which consisted of sections 5263 to 5269 of the Revised Statutes, was classified to sections 1 to 6 and 8 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and was repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

Codification

Section, insofar as it relates to rights-of-way through public lands, forest, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is also set out as section 79 of Title 16, Conservation, and insofar as it related to rights-of-way through national forests was set out as section 522 of Title 16 which was omitted from the Code.

General Grant National Park Abolished

Act Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, which is classified to section 80a of Title 16, Conservation, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

Section Referred to in Other Sections

This section is referred to in sections 421c of this title.

§§ 975, 975a. Repealed. Pub. L. 97–468, title VI, § 615(a)(1), Jan. 14, 1983, 96 Stat. 2577

Section 975, acts Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494; Nov. 1, 1978, Pub. L. 95–565, § 4(a), 92 Stat. 2399; Oct. 10, 1980, Pub. L. 96–423, § 15, 94 Stat. 1817, related to the location, construction, and operation of the Alaska Railroad and powers and duties of the President in connection therewith, and security officers. Section was comprised of first and second paragraphs of section 1 of act Mar. 12, 1914. The first paragraph was included in the Act as originally enacted in 1914 and the second paragraph was added in 1980 by Pub. L. 96–423. Amendment of section 1 of act Mar. 12, 1914, by act Mar. 29, 1940, ch. 74, 54 Stat. 80, relating to Mount McKinley National Park, and providing for accommodations for visitors and residents, was set out as section 353a of Title 16, Conservation. Section was formerly classified to section 301 of Title 48, Territories and Insular Possessions.

Section 975a, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to telegraph and telephone lines in Alaska. Section was comprised of original second paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 302 of Title 48.

Effective Date of Repeal

Repeal by Pub. L. 97–468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(a) of Pub. L. 97–468.

Rental of Alaska Railroad Lands; Report to Congress

Pub. L. 95–611, § 6, Nov. 8, 1978, 92 Stat. 3090, authorized the Secretary of Transportation to conduct an investigation and study to determine equitable rates to be charged for the rental of Alaska Railroad lands, required submission by the Secretary of a report on the results of such study to the Congress not later than one year after Nov. 8, 1978, and provided that, prior to 180 days after the receipt by Congress of such report, rental charges on lands rented by the Alaska Railroad were not to be increased by more than 100 per centum of the amount charged for such land on Jan. 1, 1977.

Appropriations

Section 2 of act Mar. 12, 1914, which provided that the cost of the work authorized by sections 975 to 975g should not exceed $35,000,000, and that in executing the authority granted by those sections the President should not expend nor obligate the United States to expend more than that sum, and also appropriated the sum of $1,000,000 to be used for carrying out the provisions of those sections, to continue available until expended, was repealed by section 615(a)(1) of Pub. L. 97–468.

§ 975b. Repealed. Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, authorized the President to withdraw, locate, and dispose of lands for town-site purposes along Alaskan railroad lines. Section was comprised of original fourth paragraph of act Mar. 12, 1914. Section was formerly classified to section 303 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

§§ 975c to 975g. Repealed. Pub. L. 97-468, title VI, § 615(a)(1), Jan. 14, 1983, 96 Stat. 2577

Section 975c, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to terminals, stations, and rights of way in Alaska. Section was comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 304 of Title 48, Territories and Insular Possessions.

Section 975d, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, required Alaskan patents to contain reserve for right of way. Section was comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 305 of Title 48.

Section 975e, act Mar. 12, 1914, ch. 37, § 3, 38 Stat. 307, related to disposition of proceeds of lease or sale of public lands in Alaska. Section was formerly classified to section 306 of Title 48.

Section 975f, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to authority of President as to Alaska Railroad, telegraphs, telephones, etc. Section was comprised of the third paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 307 of Title 48.

Section 975g, act Mar. 12, 1914, ch. 37, § 4, 38 Stat. 307, required officers, agents, etc., to make annual report as to Alaska Railroad, telegraphs, telephones, etc., to President for transmittal to Congress. Section was formerly classified to section 308 of Title 48.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(a) of Pub. L. 97-468.

EXECUTIVE ORDER NO. 11107

Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, which authorized the Secretary of the Interior to operate the Alaska Railroad and, subject to authority of the Interstate Commerce Commission, establish rates, was superseded by Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, formerly set out below.

EXECUTIVE ORDER NO. 12434

Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, related to the authority of the Secretary of Transportation to operate and administer the Alaska Railroad and to determine procedures for establishing rates for the Alaska Railroad, and to the authority of the Secretary of Transportation and Interstate Commerce Commission with respect to such rates. The Alaska Railroad was transferred to the State of Alaska on Jan. 5, 1985, and the State of Alaska has established the Alaska Railroad Corporation to manage and operate the Alaska Railroad.

CHAPTER 25—UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT

§ 1062. Suits for violations of law

It shall be the duty of the United States attorney for the proper district, on affidavit filed with him by any citizen of the United States that section 1061 of this title is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(43), 98 Stat. 3360.)

AMENDMENTS

1984—Pub. L. 98-620 struck out provision that any suit brought under the provisions of this section had precedence for hearing and trial over other cases on the civil docket of the court, and had to be tried and determined at the earliest practicable day.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 29—SUBMERGED LANDS

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1311, 1315, 1335, 1631, 1632 of this title; title 16 sections 742i, 1434; title 33 section 941.

§ 1301. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1331, 1340, 1811 of this title.

SUBCHAPTER II—LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1301, 1302, 1303, 1335, 1631, 1632 of this title; title 16 sections 742i, 1434; title 33 section 941.

SUBCHAPTER III—OUTER CONTINENTAL SHELF LANDS

§ 1331. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 155, 1811, 1865 of this title; title 15 section 3301; title 16 section 1453; title 26 section 48; title 30 section 1702; title 33 section 1205; title 42 section 6202; title 50 App. section 2415.

§ 1333. Laws and regulations governing lands

[See main edition for text of (a)]

(b) Longshore and Harbor Workers' Compensation Act applicable; definitions

With respect to disability or death of an employee resulting from any injury occurring as the result of operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources, of the subsoil and seabed of the outer Continental Shelf, compensation shall be payable under the provisions of the Longshore and Harbor Workers' Compensation Act [33 U.S.C. 901 et seq.]. For the purposes of the extension of the provisions of the Longshore and Harbor Workers' Compensation Act under this section—

[See main edition for text of (1) to (3); (c) to (f)]

(As amended Sept. 28, 1984, Pub. L. 98-426, § 27(d)(2), 98 Stat. 1654.)

REFERENCES IN TEXT

The Longshore and Harbor Workers' Compensation Act, referred to in subsec. (b), is act Mar. 4, 1927, ch. 509, 44 Stat. 1424, as amended, which is classified generally to chapter 18 (§ 901 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see section 901 of Title 33 and Tables.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-426 substituted "Longshore and Harbor Workers' Compensation Act" for "Longshoremen's and Harbor Workers' Compensation Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1331, 1347, 1351 of this title; title 33 sections 905, 941, 2104.

§ 1340. Geological and geophysical explorations

[See main edition for text of (a) to (g)]

(h) Lands beneath navigable waters adjacent to Phillip Burton Wilderness

The Secretary shall not issue a lease or permit for, or otherwise allow, exploration, development, or production activities within fifteen miles of the boundaries of the Phillip Burton Wilderness as depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, unless the State of California issues a lease or permit for, or otherwise allows, exploration, development, or production activities on lands beneath navigable waters (as such term is defined in section 1301 of this title) of such State which are adjacent to such Wilderness.

(As amended July 19, 1985, Pub. L. 99-68, § 1(c), 99 Stat. 166.)

CHANGE OF NAME

"Phillip Burton Wilderness" was substituted for "Point Reyes Wilderness" in subsec. (h), pursuant to section 1(c) of Pub. L. 99-68.

§ 1349. Citizens suits, jurisdiction and judicial review

[See main edition for text of (a) to (c)]

(d) Repealed. Pub. L. 98-620, title IV, § 402(44), Nov. 8, 1984, 98 Stat. 3360

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(44), 98 Stat. 3360.)

AMENDMENTS

1984—Subsec. (d). Pub. L. 98-620 struck out subsec. (d) which provided that except as to causes of action considered by the court to be of greater importance, any action under this section would take precedence on the docket over all other causes of action and would be set for hearing at the earliest practical date and expedited in every way.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1352. Oil and gas information program

PAYMENT OF COSTS OF REPRODUCING DATA AND INFORMATION PROVIDED TO SECRETARY

Pub. L. 99-190, § 101(d) [title I, § 100], Dec. 19, 1985, 99 Stat. 1224, 1232, provided: "That notwithstanding any other provision of law, when in fiscal year 1986 and thereafter any permittee provides data and information to the Secretary pursuant to section 1352(a)(1)(C)(iii) of title 43, United States Code, the Secretary shall pay only the reasonable cost of reproducing such data and information."

CHAPTER 31—DEPARTMENT OF THE INTERIOR

Sec.
1472. Bureau of Reclamation working capital fund.
  (a) Establishment; management of support activities of Bureau
  (b) Fund credits; transfers to fund.
  (c) Use of funds to provide materials, supplies, equipment, work, and services.
  (d) Charges to users.
  (e) Authorization of appropriations.
  (f) Unnecessary funds covered into miscellaneous receipts of Treasury.

§ 1457a. Authorization of appropriations for particular programs

REFERENCES IN TEXT

The Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445), referred to in subsec. (b), is Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445, as amended. Title III of the Surface Mining Control and Reclamation Act of 1977 was formerly classified generally to subchapter III (§ 1221 et seq.) of chapter 25 of Title 30, Mineral Lands and Mining, prior to the replacement of subchapter III by Pub. L. 98-409. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

CIRCULAR OF OFFICE OF MANAGEMENT AND BUDGET AND SIMILAR ORDERS OR DIRECTIVES INAPPLICABLE TO CERTAIN PUBLIC LAND ACTIVITIES WITHOUT AFFECTING OTHER AUTHORIZATIONS; CONGRESSIONAL FINDINGS

Pub. L. 98-540, § 3, Oct. 24, 1984, 98 Stat. 2718, provided that:

"(a) The Congress finds that—

"(1) the public lands administered by the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources;

"(2) the Congress has specified the duties and responsibilities of the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to balance the conservation and protection of these public lands and resources with permitted uses in ways Congress has found to be appropriate for each of the various land areas;

"(3) the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service are currently under congressional mandates to maintain sufficient visitor and recreational services in our national parks, campgrounds, and wildlife refuges;

"(4) the Congress has authorized the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to contract for the provision of certain facilities, accommodations, and services by non-Federal entities, but with certain limitations that reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands;

"(5) expansion of the contracting authority of the managers of these conservation areas, parks, wildlife refuges, and lands should be considered only after careful study of the existing management mandates and contracting authorities; and

"(6) management and regulation of natural resources on Federal lands are inherently Government functions and should be performed by Federal employees.

"(b)(1)(A) The provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management which involve ten full time equivalents (FTE) or less.

"(B) For fiscal years 1985 through and including 1988, no contracts, for activities conducted by the National Park Service, United States Fish and Wildlife Service, or the Bureau of Land Management which have been subject to the provisions of Office of Management and Budget Circular A-76 or any similar provision in any other order or directive, shall be entered into by the United States until funds have been specifically provided therefore by an Act of Congress.

"(2) Nothing in this section shall prevent the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in paragraph (1) or any similar order or directive."

§ 1459. Expenditures of department

The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his department; subject, however, to adjustment and control by the General Accounting Office.

(R.S. § 444; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24).

TRANSFER OF FUNCTIONS

"General Accounting Office" was substituted in text for "proper accounting officers of the Department of the Treasury" pursuant to act June 10, 1921, which transferred all powers and duties of the Comptroller, six auditors, and certain other employees of the Treasury to the General Accounting Office. See section 701 et seq. of Title 31, Money and Finance.

§ 1472. Bureau of Reclamation working capital fund

(a) Establishment; management of support activities of Bureau

Within 30 days after November 1, 1985, there shall be established in the Treasury of the United States a working capital fund to assist in the management of certain support activities of the Bureau of Reclamation (hereafter referred to as the "Bureau"), Department of the Interior. The fund shall be available without fiscal year limitation for expenses necessary for furnishing materials, supplies, equipment, work, and services in support of Bureau programs, and, as authorized by law, to agencies of the Federal Government and others. Such expenses may include the acquisition, replacement, and operation of a central computer and related automatic data processing equipment; engineering services; payroll and other management services; acquisition and replacement of equipment and facilities, including the purchase, lease, or rent of motor vehicles and aircraft within any limitations set forth in appropriations made to carry out the functions of the Bureau and such other activities as may be approved by the Director, Office of Management and Budget.

(b) Fund credits; transfers to fund

The fund shall be credited with appropriations made for the purpose of providing or increasing capital. There are authorized to be transferred to the fund (at fair and reasonable values at the time of transfer) the inventories, equipment, receivables, and other assets, less the liabilities, related to the functions to be financed by the fund as determined by the Secretary of the Interior.

(c) Use of funds to provide materials, supplies, equipment, work, and services

The fund shall be credited with appropriations and other funds of the Bureau, and other agencies of the Department of the Interior, other Federal agencies, and other sources, for providing materials, supplies, equipment, work, and services as authorized by law. Such payments may be made in advance or upon performance.

(d) Charges to users

Charges to users will be at rates approximately equal to the costs of furnishing the materials, supplies, equipment, facilities, and services (including such items as depreciation of equipment and accrued annual leave).

(e) Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(f) Unnecessary funds covered into miscellaneous receipts of Treasury

Funds that are not necessary to carry out the activities to be financed by the fund, as determined by the Secretary, shall be covered into miscellaneous receipts of the Treasury.

(Pub. L. 99-141, title II, § 205, Nov. 1, 1985, 99 Stat. 571.)

CHAPTER 32—COLORADO RIVER BASIN PROJECT

Chapter Referred to in Other Sections

This chapter is referred to in sections 620c-1, 1511a, 1592, 1597 of this title.

SUBCHAPTER III—AUTHORIZED UNITS; PROTECTION OF EXISTING USES

§ 1521. Central Arizona Project

Section Referred to in Other Sections

This section is referred to in section 1543 of this title.

§ 1528. Authorization of appropriations

Section Referred to in Other Sections

This section is referred to in section 1543 of this title.

SUBCHAPTER IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND

Subchapter Referred to in Other Sections

This subchapter is referred to in section 618a of this title.

§ 1543. Lower Colorado River Basin Development Fund

[*See main edition for text of* (*a*)]

(b) Appropriations

(1) All appropriations made for the purpose of carrying out the provisions of subchapter III of this chapter shall be credited to the development fund as advances from the general fund of the Treasury, and shall be available for such purpose.

(2) Except as provided in section 1528(b) of this title, sums advanced by non-Federal entities for the purpose of carrying out the provisions of subchapter III of this chapter shall be credited to the development fund and shall be available without further appropriation for such purpose.

(c) Revenues credited to fund

There shall also be credited to the development fund—

(1) all revenues collected in connection with the operation of facilities authorized in subchapter III of this chapter in furtherance of the purposes of this chapter (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona project;

(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however,* That for the Boulder Canyon project commencing June 1, 1987, and for the Parker-Davis project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona project described in section 1521(a) of this title, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided further,* That after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section: *Provided, however,* That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 618a(c) of this title so long as revenues accrue from the operation of the Boulder Canyon project; and

[*See main edition for text of* (3); (*d*) *to* (*f*)]

(g) Repayment of costs

All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 616aa-1 and 620d-1 of this title, (2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof[1] the costs of measures to replace incidental fish and wildlife values foregone, and the costs of on-farm measures payable from the Lower Colorado River Basin Development Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(b) of this title and (3) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to sections 1511 and 1513(a) of this title.

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[1] So in original. Probably should be followed by a comma.

[*See main edition for text of* (h) *and* (i)]

(As amended Pub. L. 98-381, title I, § 102, Aug. 17, 1984, 98 Stat. 1333; Pub. L. 98-569, § 4(f)(2), Oct. 30, 1984, 98 Stat. 2939.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-381, § 102(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(1). Pub. L. 98-381, § 102(b), substituted ", until completion of repayment requirements of the Central Arizona project." for "including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project;".

Subsec. (c)(2). Pub. L. 98-381, § 102(c), added two provisos, the first relating to the inclusion of the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and to the inclusion of the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented, and the second providing that, after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section.

Subsec. (g). Pub. L. 98-569 added "the costs of measures to replace incidental fish and wildlife values foregone, and the costs of on-farm measures" before "payable from".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 616, 620d-1, 1521, 1525, 1528, 1595, 1597 of this title.

CHAPTER 32A—COLORADO RIVER BASIN SALINITY CONTROL

SUBCHAPTER II—MEASURES UPSTREAM FROM IMPERIAL DAM

§ 1591. Salinity control policy

[*See main edition for text of* (a)]

(b) Expeditious investigation, planning, and implementation of salinity control program

The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972". In determining the relative priority of implementing additional units or new self-contained portions of units authorized by section 1592 of this title, the Secretary or the Secretary of Agriculture, as the case may be, shall give preference to those additional units or new self-contained portions of units which reduce salinity of the Colorado River at the least cost per unit of salinity reduction.

[*See main edition for text of* (c)]

(As amended Pub. L. 98-569, § 1, Oct. 30, 1984, 98 Stat. 2933.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-569 added "In determining the relative priority of implementing additional units or new self-contained portions of units authorized by section 1592 of this title, the Secretary or the Secretary of Agriculture, as the case may be, shall give preference to those additional units or new self-contained portions of units which reduce salinity of the Colorado River at the least cost per unit of salinity reduction.".

EFFECTIVE DATE OF 1984 AMENDMENT

Section 6 of Pub. L. 98-569 provided that: "The amendments made by this Act [amending this section and sections 620d, 1543, 1592, 1593, 1595, and 1598 of this title] shall take effect upon enactment of this Act [Oct. 30, 1984]."

§ 1592. Authorization to construct, operate, and maintain salinity control units

(a) Authority of Secretary

The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities, and consisting of measures to replace incidental fish and wildlife values foregone.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, replacing canals and laterals with pipe, and the combining of existing canals and laterals into fewer and more efficient facilities implementing other measures to reduce salt contributions from the Grand Valley to the Colorado River, and implementing measures to replace incidental fish and wildlife values foregone..[1] Prior to initiation of construction of the Grand Valley unit, or portion thereof, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in Grand Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved.

(3) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipe-

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[1] So in original.

lines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities, and consisting of measures to replace incidental fish and wildlife values foregone.

(4) Stage I of the Lower Gunnison Basin unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce seepage from canals and laterals in the Uncompahgre Valley, and consisting of measures to replace incidental fish and wildlife values foregone, essentially as described in the feasibility report and final environmental statement dated February 10, 1984. Prior to initiation of construction of stage I of the Lower Gunnison Basin unit, or of a portion of stage I, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Uncompahgre Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities.

(5) Portions of the McElmo Creek unit, Colorado, as components of the Dolores participating project, Colorado River Storage project, authorized by Public Law 90-537 [43 U.S.C. 1501 et seq.] and Public Law 84-485 [43 U.S.C. 620 et seq.], consisting of all measures and all necessary appurtenant and associated works to reduce seepage only from the Towaoc-Highline combined canal, Rocky Ford laterals, Lone Pine lateral, and Upper Hermana lateral, and consisting of measures to replace incidental fish and wildlife values foregone. The Dolores participating project shall have salinity control as a project purpose insofar as these specific facilities are concerned: *Provided*, That the costs of construction and replacement of these specific facilities shall be allocated by the Secretary to salinity control and irrigation only after consultation with the State of Colorado, the Montezuma Valley Irrigation District, Colorado, and the Dolores Water Conservancy District, Colorado: *And provided further*, That such allocation of costs to salinity control will include only the separable and specific costs of these specific facilities and will not include any joint costs of any other facilities of the Dolores participating project. Repayment of costs allocated to salinity control shall be subject to this chapter. Repayment of costs allocated to irrigation shall be subject to the Acts which authorized the Dolores participating project, the Reclamation Act of 1902, and Acts amendatory and supplementary thereto. Prior to initiation of construction of these specific facilities, or a portion thereof, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Montezuma Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) of this section relating to the continued operation and maintenance of the unit's facilities.

(b) Implementation of authorized units

In implementing the units authorized to be constructed pursuant to subsection (a) of this section, the Secretary shall carry out the following directions:

(1) As reports are completed describing final implementation plans for the unit, or any portion thereof, authorized by paragraph (5) of subsection (a) of this section, and prior to expenditure of funds for related construction activities, the Secretary shall submit such reports to the appropriate committees of the Congress and to the governors of the Colorado River Basin States.

(2) Non-Federal entities shall be required by the Secretary to contract for the long-term operation and maintenance of canal and lateral systems constructed pursuant to activities provided for in subsection (a) of this section: *Provided*, That the Secretary shall reimburse such non-Federal entities for the costs of such operation and maintenance to the extent the costs exceed the expenses that would have been incurred by them in the thorough and timely operation and maintenance of their canal and lateral systems absent the construction of a unit, said expenses to be determined by the Secretary after consultation with the involved non-Federal entities. The operation and maintenance for which non-Federal entities shall be responsible shall include such repairing and replacing of a unit's facilities as are associated with normal annual maintenance activities in order to keep such facilities in a condition which will assure maximum reduction of salinity inflow to the Colorado River. These non-Federal entities shall not be responsible, nor incur any costs, for the replacement of a unit's facilities, including measures to replace incidental fish and wildlife values foregone. The term replacement shall be defined for the purposes of this subchapter as a major modification or reconstruction of a completed unit, or portion thereof, which is necessitated, through no fault of the non-Federal entity or entities operating and maintaining a unit, by design or construction inadequacies or by normal limits on the useful life of a facility. The Secretary is authorized to provide continuing technical assistance to non-Federal entities to assure the effective and efficient operation and maintenance of a unit's facilities.

(3) The Secretary may, under authority of this subchapter, and limited to the purposes of this chapter, fund through a grant or contract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to organize private canal and lateral owners into formal organizations with which the Secretary may enter into a grant or contract to construct, operate, and maintain a unit's facilities.

(4) In implementing the units authorized to be constructed pursuant to paragraphs (1), (2), (3), (4), and (5) of subsection (a) of this section, the Secretary shall comply with procedural and substantive State water laws.

(5) The Secretary may, under authority of this subchapter and limited to the purposes of this chapter, fund through a grant or con-

tract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to operate and maintain measures to replace incidental fish and wildlife values foregone.

(6) In implementing the units authorized to be constructed pursuant to subsection (a) of this section, the Secretary shall implement measures to replace incidental fish and wildlife values foregone concurrently with the implementation of a unit's, or a portion of a unit's, related features.

(c) Voluntary cooperative salinity control program; establishment; improvement of on-farm water management; functions; Secretary; reports; Congressional committees; use of agencies; Commodity Credit Corporation

(1) The Secretary of Agriculture may establish a voluntary cooperative salinity control program with landowners to improve on-farm water management and reduce watershed erosion on non-Federal lands and on lands under the control of the Department of Agriculture for the purpose of assisting in meeting the objectives of this subchapter.

(2) In carrying out such program, the Secretary of Agriculture shall—

(A) identify salt-source areas and determine the salt load resulting from irrigation and watershed management practices;

(B) develop, in consultation with the public and affected governmental interests, plans for implementing measures that will reduce the salt load of the Colorado River by improving on-farm irrigation water management including improvement of related laterals and by improving watershed erosion management practices, such measures to include voluntary replacement of incidental fish and wildlife values foregone;

(C) provide technical and cost-sharing assistance for the voluntary implementation of plans through contracts and agreements with individuals or groups of owners and operators of farms, ranches, and other lands as well as with local governmental and nongovernmental entities such as irrigation districts and canal companies, except that a portion of the costs of implementing such plans shall be shared by the participants on the basis of benefits received and other appropriate factors, as determined by the Secretary of Agriculture, and except that such contracts and agreements shall provide for continuing operation and maintenance of measures installed under this subsection, including measures to replace incidental fish and wildlife values foregone, without additional cost-sharing assistance;

(D) provide continuing technical assistance for irrigation water management as well as monitoring and evaluation of changes in salt contributions to the Colorado River to determine program effectiveness;

(E) carry out related research, demonstration, and education activities; and

(F) in entering into contracts or agreements pursuant to subparagraph (C), require a minimum of 30 per centum cost-sharing contribution from individuals or groups of owners and operators of farms, ranches, and other lands as well as from local governmental and nongovernmental entities such as irrigation districts and canal companies, unless the Secretary finds in his discretion that such cost-sharing requirement would result in a failure to proceed with needed on-farm measures.

(3) The measures to be implemented in any particular salt source area shall be described in reports issued by the Secretary of Agriculture. Copies of the reports are to be submitted to—

(A) the committees on Agriculture and Appropriations of the House of Representatives and the committees on Agriculture, Nutrition and Forestry and Appropriations of the Senate;

(B) members of the advisory council established by section 1594(a) of this title; and

(C) the Governor of any State where measures are to be implemented.

No funds for implementation of proposed measures undertaken pursuant to this subsection may be expended until the expiration of sixty days after submission of the report of the Secretary of Agriculture.

(4) The Secretary of Agriculture may use existing agencies as well as the services and facilities of the Commodity Credit Corporation to carry out the provisions of this subsection. The Secretary of Agriculture, in addition, may authorize participating agencies to utilize grants or cooperative agreements with conservation districts, local governmental agencies, colleges and universities, or others as appropriate to carry out the activities identified in this subsection. There is hereby authorized to be appropriated annually, to be available until expended, such funds as may be necessary to carry out the provisions of this subsection: *Provided*, That no disbursement shall be made by the Commodity Credit Corporation unless it has received funds to cover the amount thereof from appropriations available for the purpose of carrying out this chapter.

(5) The Secretary of Agriculture shall submit a report to Congress by January 1, 1988, and at each five-year interval thereafter, concerning the operation of the program authorized by this subsection. Such report shall contain an evaluation of the operation of such program and may include recommendations for such additional legislation as may be necessary to solve identified salinity problems in areas designated by the Secretary of Agriculture and may include recommendations to utilize new technology and research related to such problems.

(As amended Pub. L. 98-569, § 2, Oct. 30, 1984, 98 Stat. 2933.)

REFERENCES IN TEXT

Public Law 90-537, referred to in subsec. (a)(5), is act Sept. 30, 1968, 82 Stat. 885, as amended, popularly known as the "Colorado River Basin Project Act", which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Public Law 84-485, referred to in subsec. (a)(5), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, popularly known as the "Colorado River Storage Project

Act", which is classified to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

The Reclamation Act of 1902, referred to in subsec. (a)(5), is act June 17, 1902, 32 Stat. 388, as amended and supplemented, is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Amendments

1984—Subsec. (a). Pub. L. 98-569, § 2(a), designated existing provisions as subsec. (a).

Subsec. (a)(1). Pub. L. 98-569, § 2(b)(1), added ", and consisting of measures to replace incidental fish and wildlife values foregone" at the end thereof.

Subsec. (a)(2). Pub. L. 98-569, § 2(b)(2), added "replacing canals and laterals with pipe," after "canals and laterals" and added "implementing other measures to reduce salt contributions from the Grand Valley to the Colorado River, and implementing measures to replace incidental fish and wildlife values foregone" after "efficient facilities" in second sentence.

Pub. L. 98-569, § 2(b)(3), added ", or portions thereof," after "Grand Valley unit", substituted "non-Federal entities" for "agencies", added "or portions thereof," after "water distribution systems" and substituted "the obligations specified in subsection (b)(2) of this section" for "all obligations" in third sentence.

Pub. L. 98-569, § 2(b)(4), struck out "The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this subchapter. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department."

Subsec. (a)(3). Pub. L. 98-569, § 2(b)(5), redesignated par. (4) as (3). Former par. (3), which related to the Crystal Geyser unit in Utah, was struck out.

Pub. L. 98-569, § 2(b)(6), substituted ", and consisting of measures to replace incidental fish and wildlife values foregone." for the period at the end thereof.

Subsec. (a)(4). Pub. L. 98-569, § 2(b)(7), added par. (4). Former par. (4) redesignated (3).

Subsec. (a)(5). Pub. L. 98-569, § 2(b)(7), added par. (5).

Subsecs. (b), (c). Pub. L. 98-569, § 2(c), added subsecs. (b) and (c).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1591, 1595, 1596 of this title.

§ 1593. Planning reports; research and demonstration projects

[See main edition for text of (a)]

(b) The Secretary is directed—

[See main edition for text of (1)]

(2) to undertake research on additional methods for accomplishing the objective of this subchapter, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations;

(3) to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management and submit a report which describes the program and recommended implementation actions to the Congress and to the members of the advisory council established by section 1594(a) of this title by July 1, 1987;

(4) to undertake feasibility investigations of saline water use and disposal opportunities, including measures and all necessary appurtenant and associated works, to demonstrate saline water use technology and to beneficially use and dispose of saline and brackish waters of the Colorado River Basin in joint ventures with current and future industrial water users, using, but not limited to, the concepts generally described in the Bureau of Reclamation Special Report of September 1981, entitled "Saline water use and disposal opportunities"; and

(5) to undertake advance planning activities on the Sinbad Valley Unit, Colorado, as described in the Bureau of Land Management Salinity Status Report, covering the period 1978–1979 and dated February 1980.

(As amended Pub. L. 98-569, § 3, Oct. 30, 1984, 98 Stat. 2937.)

Amendments

1984—Subsec. (b)(3) to (5). Pub. L. 98-569 added pars. (3) to (5).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

§ 1594. Colorado River Basin Salinity Control Advisory Council

Section Referred to in Other Sections

This section is referred to in sections 1592, 1593, 1595, 1596 of this title.

§ 1595. Salinity control units; authority and functions of the Secretary of the Interior

(a) Allocation of costs

The Secretary shall allocate the total costs (excluding costs borne by non-Federal participants pursuant to section 1592(c)(2)(C) of this title) of the on-farm measures authorized by section 1592(c) of this title, of all measures to replace incidental fish and wildlife values foregone, and of each unit or separable feature thereof authorized by section 1592(a) of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) [33 U.S.C. 1251 et seq.], 75 per centum of the total costs of con-

struction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a)(1), (2), and (3) of this title, including 75 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, 70 per centum of the total costs of construction, operation, maintenance, and replacement of each unit, or separable feature thereof authorized by section 1592(a)(4) and (5) of this title, including 70 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, and 70 per centum of the total costs of implementation of the on-farm measures authorized by section 1592(c) of this title, including 70 per centum of the total costs of the associated measures to replace incidental fish and wildlife values foregone, shall be nonreimbursable. The total costs remaining after these allocations shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5),[2] of subsection (a) of this section [3]

(2) The reimbursable portion of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) [43 U.S.C. 620d(a)] and the Lower Colorado River Basin Development Fund established by section 1543(a) of this title, after consultation with the Advisory Council created in section 1594(a) of this title and consideration of the following items:

[*See main edition for text of* (*i*) *to* (*iii*)]

(3) Costs of construction and replacement of each unit or separable feature thereof authorized by sections [4] 1592(a)(1), (2), and (3) of this title and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections [4] 1592(a)(1), (2), and (3) of this title, allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid within a fifty-year period or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less, without interest from the date such unit, separable feature, or replacement is determined by the Secretary to be in operation.

(4)(i) Costs of construction and replacement of each unit or separable feature thereof authorized by sections [4] 1592(a)(4) and (5) of this title, costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the on-farm measures authorized by section 1592(c) of this title or of the units authorized by sections [4] 1592(a)(4) and (5) of this title, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid as provided in subparagraphs (ii) and (iii), respectively, of this paragraph.

(ii) Costs allocated to the upper basin shall be repaid with interest within a fifty-year period, or within a period equal to the estimated life of the unit, separable feature thereof, replacement, or on-farm measure, whichever is less, from the date such unit, separable feature thereof, replacement, or on-farm measure is determined by the Secretary or the Secretary of Agriculture to be in operation.

(iii) Costs allocated to the lower basin shall be repaid without interest as such costs are incurred to the extent that money is available from the Lower Colorado River Basin development fund to repay costs allocated to the lower basin. If in any fiscal year the money available from the Lower Colorado River Basin development fund for such repayment is insufficient to repay the costs allocated to the lower basin, as provided in the preceding sentence, the deficiency shall be repaid with interest as soon as money becomes available in the fund for repayment of those costs.

(iv) The interest rates used pursuant to this chapter shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period during the month preceding October 30, 1984, for costs outstanding at that date, or, in the case of costs incurred subsequent to October 30, 1984, during the month preceding the fiscal year in which the costs are incurred.

(5) Costs of operation and maintenance of each unit or separable feature thereof authorized by section 1592(a) of this title and of measures to replace incidental fish and wildlife values foregone allocated to the upper basin and to the lower basin under subsection (a)(2) of this section shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such costs are incurred. In the event that revenues are not available to repay the portion of operation and maintenance costs allocated to the Upper Colorado River Basin fund and to the Lower Colorado River Basin development fund in the year next succeeding the fiscal year in which such costs are incurred, the deficiency shall be repayed [5] with interest calculated in the same manner as provided in subsection (a)(4)(iv) of this section. Any reimbursement due non-Federal entities pursuant to section 1592(b)(2) of this title shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such operation and maintenance costs are incurred.

(b) Costs payable from the Lower Colorado River Basin Development Fund

(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title, allocated for repayment by the lower basin

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[2] So in original. The comma probably should not appear.

[3] So in original. Probably should be followed by a period.

[4] So in original. Probably should be "section".

[5] So in original.

under subsection (a)(2) of this section shall be paid in accordance with section 1543(g)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Omitted

(c) Costs payable from the Upper Colorado River Basin Fund

Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title allocated for repayment by the upper basin under subsection (a)(2) of this section shall be paid in accordance with section 620d(d)(5) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under subsection (e) of this section.

(d) Omitted

(e) Upward adjustment of rates for electrical energy

The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs allocated to the Upper Colorado River Basin Fund under subsection (a)(2) of this section and in conformity with subsection (a)(3), subsection (a)(4) and subsection (a)(5) of this section: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units, for the construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures in the Colorado River Basin herein authorized.

(As amended Pub. L. 98-569, § 4(a)-(f)(1), (g), (i), Oct. 30, 1984, 98 Stat. 2937-2939.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-569, § 4(a), added "(a)" after "section 1592" and added "(excluding costs borne by non-Federal participants pursuant to section 1592(c)(2)(C) of this title) of the on-farm measures authorized by section 1592(c) of this title, of all measures to replace incidental fish and wildlife values foregone, and" after "total costs".

Subsec. (a)(1). Pub. L. 98-569, § 4(b), added "authorized by section 1592(a)(1), (2), and (3) of this title, including 75 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, 70 per centum of the total costs of construction, operation, maintenance, and replacement of each unit, or separable feature thereof authorized by section 1592(a)(4) and (5) of this title, including 70 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, and 70 per centum of the total costs of implementation of the on-farm measures authorized by section 1592(c) of this title, including 70 per centum of the total costs of the associated measures to replace incidental fish and wildlife values foregone," after "shall be nonreimbursable" and further added "The total costs remaining after these allocations shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5), of subsection (a) of this section" at the end thereof.

Subsec. (a)(3). Pub. L. 98-569, § 4(d), substituted "construction and replacement of each unit" for "construction, operation, maintenance, and replacement of each unit" before "or separable features thereof", added "authorized by sections 1592(a)(1), (2), and (3) of this title and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections 1592(a)(1), (2), and (3) of this title" before "allocated", and added "or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less," before "without interest".

Subsec. (a)(4), (5). Pub. L. 98-569, § 4(e), added pars. (4) and (5).

Subsec. (b). Pub. L. 98-569, § 4(f)(1), added "authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title," before "allocated for repayment".

Subsec. (c). Pub. L. 98-569, § 4(g), added "authorized by section 1592(a) of this title, costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 1592(c) of this title" before "allocated for".

Subsec. (e). Pub. L. 98-569, § 4(i), struck out "of construction, operation, maintenance, and replacement of units" before "allocated under", added "to the Upper Colorado River Basin Fund" after "allocated", added ", subsection (a)(4) and subsection (a)(5) of this section" after "subsection (a)(3)", and added ", for the construction, operation and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures" after "salinity control units".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

§ 1598. Modification of projects; contract authority; authorization of appropriations

(a) The Secretary is authorized to provide for modifications of the projects authorized by this subchapter as determined to be appropriate for purposes of meeting the objective of this subchapter. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 1592(a) or (b) of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a) of this section, including measures as provided for in subsection (b) of section 1592 of this title. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(As amended Pub. L. 98-569, § 5, Oct. 30, 1984, 98 Stat. 2939.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-569, § 5(a), struck out "and not then if disapproved by said committees" before ", except that funds may be expended".

Subsec. (b). Pub. L. 98-569, § 5(b)(1), added "(a) or (b)" after "1592".

Pub. L. 98-569, § 5(b)(2), added "The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a) of this section, including measures as provided for in subsection (b) of section 1592 of this title."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

CHAPTER 33—ALASKA NATIVE CLAIMS SETTLEMENT

Sec.
1629. Cape Krusenstern National Monument land exchange between United States and NANA Regional Corporation, Inc.
  (a) Definitions.
  (b) Conveyances of lands and interests in lands.
  (c) Exchange limited to designated lands.
  (d) Easement in and to transportation system lands.
  (e) Compliance with local laws.
  (f) Reconveyance of easement by NANA.
  (g) Construction materials taken from borrow sites within easement.
  (h) Agreement as governing use of lands.
  (i) use of construction materials from other sites.
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1629a. Relinquishment by NANA Regional Corporation, Inc., of lands compact and contiguous to public lands in Cape Krusenstern National Monument.
  (a) Terms and conditions.
  (b) Conveyance of lands to United States.
  (c) Relinquishment of interests under filed selection applications.
  (d) Termination date.
  (e) Effect on NANA's selection rights or entitlement to lands.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1641 of this title; title 5 section 3371; title 12 section 1715z-13; title 16 sections 410hh, 410hh-3, 470w, 470bb, 1279, 3102, 3111, 3120, 3141, 3164, 3215; title 20 sections 351a, 3232; title 25 sections 450b, 1452, 1603, 1801, 2019; title 26 section 4994; title 29 sections 750, 1671; title 30 section 1306; title 31 section 7501; title 33 section 1263; title 42 sections 628, 2991b, 2992c, 3002, 4762, 6502, 8702, 8802, 10101; title 45 section 1212.

§ 1602. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1615, 1641 of this title; title 16 section 3102; title 25 sections 472a, 1903, 2011; title 42 sections 300*l*-2, 10101; title 45 section 1202.

§ 1607. Village Corporations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1620, 1627 of this title; title 16 section 1155; title 25 section 450i; title 42 section 1382b.

§ 1611. Native land selections

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1613, 1616, 1620, 1621, 1627, 1629a, 1631, 1635, 1641 of this title; title 45 section 1205.

§ 1613. Conveyance of lands

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1610, 1611, 1615, 1617, 1618, 1620, 1621, 1627, 1629a, 1631, 1632, 1633, 1635, 1636, 1638, 1641 of this title; title 16 sections 3102, 3192; title 45 section 1205.

§ 1629. Cape Krusenstern National Monument land exchange between United States and NANA Regional Corporation, Inc.

(a) Definitions

For purposes of this section the following terms shall have the following meanings:

(1) the term "The Agreement" or "Agreement" means the agreement entitled "Terms and Conditions Governing Legislative Land Consolidation and Exchange between NANA Regional Corporation, Inc., and the United States" executed by the Secretary of the Interior and the President of NANA Regional Corporation, Inc., on January 31 and January 24, 1985, respectively.

(2) the term "transportation system" means the Red Dog Mine Transportation System described in Exhibit B of the Agreement.

(3) the term "NANA" means NANA Regional Corporation, Inc., a corporation formed for the Natives of Northwest Alaska pursuant to the provisions of this chapter.

(b) Conveyances of lands and interests in lands

Except as otherwise provided by this section, the Secretary shall convey to NANA, in accordance with the terms and conditions set forth in the Agreement, lands and interests in lands specified in the Agreement in exchange for lands and interests in lands of NANA, specified in the Agreement, upon fulfillment by NANA of its obligations under the Agreement: *Provided, however,* That this modified exchange is accepted by NANA within 60 days of September 25, 1985.

(c) Exchange limited to designated lands

(1) The Secretary shall convey to NANA, pursuant to the provisions of paragraph A(1) of the Agreement, the right, title and interest of the United States only in and to those lands designated as "Amended A(1) Lands" on the map entitled "Modified Cape Krusenstern Land Exchange", dated July 18, 1985. The charges to be made pursuant to paragraphs B(1) and D(27) of the Agreement against NANA's land entitlements under this chapter shall be reduced by an amount equivalent to the difference between that acreage conveyed pursuant to this subsection and the acreage that would have been conveyed to NANA pursuant to paragraph A(1) of the Agreement but for this subsection.

(2) Notwithstanding the provisions of paragraph A(3) of the Agreement, the Secretary shall not convey to NANA any right, title and interest of the United States in the lands described in such paragraph A(3) and the Secretary shall make no charge to NANA's remaining entitlements under this chapter with respect to such lands. Such lands shall be retained in Federal ownership but shall be subject to the easement described in Exhibit D to the Agreement as if the lands had been conveyed to NANA pursuant to paragraph A(3) of the Agreement.

(d) Easement in and to transportation system lands

(1) There is hereby granted to NANA an easement in and to the lands designated as "Transportation System Lands" on the map entitled "Modified Cape Krusenstern Land Exchange", dated July 18, 1985, for use in the construction, operation, maintenance, expansion and reclamation of the transportation system. Use of the easement for such purposes shall be subject only to the terms and conditions governing the construction, operation, maintenance, expansion and reclamation of the transportation system, as set forth in Exhibit B to the Agreement.

(2) The easement granted pursuant to this section shall be for a term of 100 years. The easement shall terminate prior to the 100-year term:

(i) if it is relinquished to the United States; or

(ii) if construction of the transportation system has not commenced within 20 years of September 25, 1985. Computation of the 20-year period shall exclude periods when construction could not commence because of force majeure, act of God or order of a court; or

(iii) upon completion of reclamation pursuant to the reclamation plan required by Exhibit B to the Agreement.

(3) Within 90 days after September 25, 1985, the Secretary shall execute the necessary documents evidencing the grant to NANA of the easement granted by this section.

(4) Except as regards the trail easement described in Exhibit D to the Agreement (to which the "Transportation System Lands" shall be subject as if such lands had been conveyed to NANA pursuant to paragraph A(1) of the Agreement), access to the lands subject to the easement granted by this section shall be subject to such limitations, restrictions or conditions as may be imposed by NANA, its successors and assigns, but NANA and its successors and assigns shall permit representatives of the Secretary such access as the Secretary determines is necessary for the monitoring required by this section.

(e) Compliance with local laws

The easement granted by this section makes available land for the transportation system, and is intended to be sufficient to permit NANA to comply with the laws of the State of Alaska which may be necessary to secure financing of the construction of the transportation system and the operation, maintenance or expansion thereof by the State of Alaska or by the Alaska Industrial Development Authority.

(f) Reconveyance of easement by NANA

The easement granted to NANA by this section may be reconveyed by NANA, but after any such reconveyance the terms and conditions specified in Exhibit B of the Agreement shall continue to apply in full to the easement.

(g) Construction materials taken from borrow sites within easement

NANA is hereby granted the right to use, develop and sell sand, gravel and related construction materials from borrow sites located within the easement granted pursuant to this section as required for the construction, operation, maintenance, expansion and reclamation of the transportation system, subject to the terms and conditions specified in Exhibit B of the Agreement.

(h) Agreement as governing use of lands

(1) The construction, operation, maintenance, expansion and reclamation of any portion of the transportation system on any of the lands subject to the easement granted to NANA by this section shall be governed solely by the terms and conditions of the Agreement, including the procedural and substantive provisions of Exhibit B to the Agreement, as if the lands covered by the easement granted to NANA by this section had been conveyed to NANA pursuant to paragraph A(1) of the Agreement.

(2) The Secretary of the Interior, acting through the National Park Service, shall monitor the construction, operation, maintenance, expansion and reclamation of the transportation system, as provided in the Agreement. Any complaint by any person or entity that any aspect of the construction, operation, maintenance, expansion or reclamation of the portion of the transportation system on the lands subject to the easement granted to NANA by this section is not in accordance with the terms and conditions specified in the Agreement shall be made to the Secretary in writing. The Secretary shall review any such complaint and shall provide to NANA or its successors or assigns and to the complainant a decision in writing on the complaint within 90 days of receipt thereof. If the Secretary determines that the activity made the subject of a complaint is not in accordance with the terms specified in the Agreement, and NANA or its successors or assigns

disagrees with that determination, the dispute shall be resolved according to the procedures established in Exhibit B to the Agreement.

(i) Use of construction materials from other sites

The Secretary shall make available to NANA and its successors and assigns the right to use sand, gravel and related construction materials located in Sections 23, 24, 25, 26, 35 and 36 of Township 26 North, Range 24 West, Kateel River Meridian, Alaska, if the Secretary determines either (1) that use of such sand, gravel or related construction material is necessary because there is no other sand, gravel or related construction material reasonably available for the construction, operation, maintenance, expansion or reclamation of the transportation system; or (2) that use of such sand, gravel or related construction material is necessary in order to construct, operate, maintain, expand, or reclaim the transportation system in an environmentally sound manner, consistent with the requirements of Exhibit B of the Agreement. The right to use such sand, gravel and related construction material shall be subject to the terms and conditions of paragraph A of Exhibit B of the Agreement and such other reasonable terms and conditions as the Secretary may prescribe.

(j) Congressional consultation as prerequisite to amendment of Agreement

Notwithstanding paragraph D(23) of the Agreement, the Secretary shall not agree to any amendment to the Agreement without first consulting with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and shall transmit copies of the text of any amendment to the Agreement to those Committees at the time of his agreeing to any such amendment.

(Pub. L. 92-203, § 34, as added Pub. L. 99-96, § 1, Sept. 25, 1985, 99 Stat. 460.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1629a of this title.

§ 1629a. Relinquishment by NANA Regional Corporation, Inc., of lands compact and contiguous to public lands in Cape Krusenstern National Monument

(a) Terms and conditions

The terms and conditions of this section are solely applicable to the lands described in paragraph A(1) of the Agreement, which is defined by section 1629(a)(1) of this title and modified by section 1629 of this title, and shall not affect the relinquishment by NANA described in section B(1) of such Agreement.

(b) Conveyance of lands to United States

NANA Regional Corporation, Inc. ("NANA"), may convey by quit-claim deed to the United States all of its interest in the surface and subsurface estate in any lands described in subsection (a) of this section: *Provided, however*, That NANA can relinquish only lands that are compact and contiguous to other public lands within the Krusenstern National Monument and, if the lands to be relinquished have been disturbed by NANA, the Secretary must first determine that such disturbance has not rendered the lands incompatible with Monument values. Whenever NANA executes a quit-claim deed pursuant to this section, it shall be entitled to designate and have conveyed to it any lands outside the boundaries of the Cape Krusenstern National Monument and any other conservation system unit, as established and defined by the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, et seq.), covered by any of its pending selection applications filed under the entitlement provisions of either section 1611(b), 1611(c) or 1613(h)(8) of this title. Lands conveyed to NANA pursuant to this subsection shall be of a like estate and equal in acreage to that conveyed by NANA to the United States. The lands conveyed to NANA pursuant to this subsection shall be in exchange for the lands conveyed by NANA to the United States and there shall be no change in the charges previously made to NANA's land entitlements with respect to the lands conveyed by NANA to the United States. Lands received by NANA pursuant to this subsection are Settlement Act lands.

(c) Relinquishment of interests under filed selection applications

NANA may relinquish any interest it has under selection applications filed pursuant to this chapter in the surface and subsurface estate in lands described in subsection (a) of this section by formally withdrawing such application pursuant to this section: *Provided, however*, That NANA can relinquish only interests in lands that are compact and contiguous to other public lands within the Krusenstern National Monument and, if the lands have been disturbed by NANA, the Secretary must first determine that such disturbance has not rendered the lands incompatible with Monument values. Whenever NANA formally withdraws a selection application pursuant to this section, it shall be entitled to designate and have conveyed to it lands outside the boundaries of Cape Krusenstern National Monument and any other conservation system unit, as established and defined by the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, et seq.) pursuant to any of its pending selection applications filed under either section 1611(b), 1611(c) or 1613(h)(8) of this title. Lands conveyed to NANA under this subsection shall be of a like estate and equal in acreage to the interest which NANA relinquished, and when the lands are conveyed to NANA, the conveyance shall be charged against the same entitlement of NANA as if the lands had been conveyed pursuant to the relinquished selection applications. Lands received by NANA pursuant to this subsection are Settlement Act lands.

(d) Termination date

The provisions of this section shall remain in effect only until December 18, 1991.

(e) Effect on NANA's selection rights or entitlement to lands

Nothing in this section shall be deemed to alter or amend in any way NANA's selection rights or to increase or diminish NANA's total entitlement to lands pursuant to this chapter.

(Pub. L. 92-203, § 35, as added Pub. L. 99-96, § 1, Sept. 25, 1985, 99 Stat. 462.)

REFERENCES IN TEXT

The Alaska National Interest Lands Conservation Act, referred to in subsecs. (b) and (c), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

CHAPTER 34—TRANS-ALASKA PIPELINE

§ 1652. Authorizations for construction

[See main edition for text of (a) to (c)]

(d) National Environmental Policy Act of 1969 bypassed; issuance of authorizations for construction and operation not to be subject to judicial review; time limits on charges of invalidity or unconstitutionality; jurisdiction; hearings; review

The actions taken pursuant to this chapter which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.]; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following November 16, 1973, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this chapter, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after November 16, 1973. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

[See main edition for text of (e)]

(As amended Pub. L. 98-620, title IV, § 402(46), Nov. 8, 1984, 98 Stat. 3360.)

AMENDMENTS

1984—Subsec. (d). Pub. L. 98-620 struck out provision that any such proceeding had to be assigned for hearing at the earliest possible date, had to take precedence over all other matters pending on the docket of the district court at that time, and had to be expedited in every way by such court.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1653. Liability for damages

DELEGATION OF FUNCTIONS

Functions of the President under section 1321(p)(1)-(2) of Title 33, Navigation and Navigable Waters, as incorporated by reference in subsec. (c)(3) of this section, relating to the demonstration of financial responsibility for vessels carrying oil loaded from the Trans-Alaska pipeline, delegated to the Secretary of the Department in which the Coast Guard is operating, see Ex. Ord. No. 12418, § 4, May 5, 1983, 48 F.R. 20891, set out as a note under section 1321 of Title 33.

CHAPTER 35—FEDERAL LAND POLICY AND MANAGEMENT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1635, 1783, 1903 of this title; title 16 sections 79b, 410ii-3, 460mm-1, 460mm-2, 3209, 3210; title 25 section 713f.

SUBCHAPTER II—LAND USE PLANNING AND LAND ACQUISITION AND DISPOSITION

§ 1716. Exchanges of public lands or interests therein within the National Forest System

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1715, 1718, 1719 of this title; title 16 sections 460ii-1, 460kk, 460mm-1; title 30 sections 193, 1260.

SUBCHAPTER III—ADMINISTRATION

§ 1737. Implementation provisions

[See main edition for text of (a) to (c)]

(d) Recruitment of volunteers

The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

(e) Restrictions on activities of volunteers

In accepting such services of individuals as volunteers, the Secretary—

(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(f) Federal employment status of volunteers

Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28 and subchapter 1 [2] of chapter 81 of title 5, relating to compensation for work injuries.

(g) Authorization of appropriations

Effective with fiscal years beginning after September 30, 1984, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (d) of this section, but not more than $250,000 may be appropriated for any one fiscal year.

(As amended Pub. L. 98-540, § 2, Oct. 24, 1984, 98 Stat. 2718.)

REFERENCES IN TEXT

The civil service classification laws, referred to in subsec. (d), probably should refer to civil service and classification laws. The civil service laws are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5. The classification laws are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

The tort claims provisions of title 28, referred to in subsec. (f), is the Federal Tort Claims Act, which is classified generally to section 1346(b) and chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Subsecs. (d) to (g). Pub. L. 98-540 added subsecs. (d) to (g).

SUBCHAPTER IV—RANGE MANAGEMENT

§ 1752. Grazing leases and permits

APPEALS OF REDUCTIONS IN GRAZING ALLOTMENTS ON PUBLIC RANGELAND; TIME; EFFECTIVE DATE OF REDUCTIONS; SUSPENSION PENDING FINAL ACTION ON APPEAL

Provisions requiring appeals of reductions in grazing allotments on public rangelands to be taken within a certain time period; providing that reductions of up to 10 per centum in grazing allotments are effective when so designated by the Secretary; suspending proposed reductions in excess of 10 per centum pending final action on appeals; and requiring final action on appeals to be completed within 2 years of filing of the appeal were contained in the following appropriation acts:

Pub. L. 99-190, § 101(d) [title I, § 100], Dec. 19, 1985, 99 Stat. 1224, 1226.

Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1840.

Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 921.

SUBCHAPTER V—RIGHTS-OF-WAY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1702 of this title; title 16 section 3166; title 30 section 201; title 42 section 6502.

§ 1764. General requirements

[See main edition for text of (a) to (f)]

(g) Rental payments; amount, waiver, etc.

The holder of a right-of-way shall pay annually in advance the fair market value thereof as determined by the Secretary granting, issuing, or renewing such right-of-way: *Provided*, That when the annual rental is less than $100, the Secretary concerned may require advance payment for more than one year at a time: *Provided further*, That the Secretary concerned may waive rentals where a right-of-way is granted, issued, or renewed in reciprocation for a right-of-way conveyed to the United States in connection with a cooperative cost share program between the United States and the holder. The Secretary concerned may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however*, That the Secretary concerned need not secure reimbursement in any situation where there is in existence a cooperative cost share right-of-way program between the United States and the holder of a right-of-way. Rights-of-way may be granted, issued, or renewed to a Federal, State, or local government or any agency or instrumentality thereof, to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, or to a holder where he provides without or at reduced charges a valuable benefit to the public or to the programs of the Secretary concerned, or to a holder in connection with the authorized use or occupancy of Federal land for which the United States is already receiving compensation for such lesser charge, including free use as the Secretary concerned finds equitable and in the public interest. Such rights-of-way issued at less than fair market value are not assignable except with the approval of the Secretary issuing the right-of-way. The moneys received for reimbursement of reasonable costs shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended. Rights-of-way shall be granted, issued, or renewed, without rental fees, for electric or telephone facilities financed pursuant to the Rural Electrification Act of 1936, as amended [7 U.S.C. 901 et seq.], or any extensions from such facilities: *Provided*, That nothing in this sentence shall be construed to affect the authority of the Secretary granting, issuing, or renewing the right-of-way to require reimbursement of reasonable administrative and other costs pursuant to the second sentence of this subsection.

[See main edition for text of (h) to (j)]

(As amended Pub. L. 98-300, May 25, 1984, 98 Stat. 215.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (g), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§ 901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

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[2] So in original. Probably should be "I".

AMENDMENTS

1984—Subsec. (g). Pub. L. 98-300 added: "Rights-of-way shall be granted, issued, or renewed, without rental fees, for electric or telephone facilities financed pursuant to the Rural Electrification Act of 1936, as amended, or any extensions from such facilities: *Provided*, That nothing in this sentence shall be construed to affect the authority of the Secretary granting, issuing, or renewing the right-of-way to require reimbursement of reasonable administrative and other costs pursuant to the second sentence of this subsection."

CHAPTER 36—OUTER CONTINENTAL SHELF RESOURCE MANAGEMENT

SUBCHAPTER I—OFFSHORE OIL SPILL POLLUTION FUND

§ 1811. Definitions

EX. ORD. NO. 12123. DELEGATION OF CERTAIN FUNCTIONS OF PRESIDENT

Ex. Ord. No. 12123, Feb. 26, 1979, 44 F.R. 11199, as amended by Ex. Ord. No. 12418, May 5, 1983, 48 F.R. 20891, provided:

[*See main edition for text of first par; Sec. 1-1*]

1-2. DETERMINATION OF FINANCIAL RESPONSIBILITY AND THE ASSESSMENT AND COMPROMISE OF PENALTIES

The Secretary of the Department in which the Coast Guard is operating is hereby delegated the following authorities:

1-201. The authority vested in the President by Section 305(a)(1) of the Act (92 Stat. 677, 43 U.S.C. 1815(a)(1)), relating to vessels;

1-202. The authority vested in the President by Section 305(b) of the Act (92 Stat. 678, 43 U.S.C. 1815(b)), relating to offshore facilities; and

1-203. The authority vested in the President by Section 312(a)(2) of the Act (92 Stat. 684, 43 U.S.C. 1822(a)(2)), relating to the assessment and compromise of penalties concerning vessels.

§ 1813. Claims for economic loss from oil pollution

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b)(3) of this section delegated to the Secretary of Commerce and the Secretary of the Interior with respect to those natural resources which are subject to the respective Secretary's control, see Ex. Ord. No. 12123, Feb. 26, 1979, 44 F.R. 11199, set out as a note under section 1811 of this title.

§ 1814. Scope of liability

[*See main edition for text of* (*a*) *to* (*h*)]

(i) Inconsistent provisions

To the extent that they are in conflict or otherwise inconsistent with any other provision of law relating to liability or the limitation thereof, the provisions of this section shall supersede such other provision of law, including section 183(a) of title 46, Appendix.

[*See main edition for credits*]

CODIFICATION

Subsec. (i) is set out in this supplement to reflect the transfer of section 183 of title 46, referred to in text, to title 46, Appendix.

§ 1815. Financial responsibility

DELEGATION OF FUNCTIONS

Functions of the President under subsecs. (a)(1) and (b) of this section delegated to the Secretary of the Department in which the Coast Guard is operating, see Ex. Ord. No. 12123, Feb. 26, 1979, 44 F.R. 11199, set out as a note under section 1811 of this title.

§ 1822. Penalties

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a)(2) of this section delegated to the Secretary of the Department in which the Coast Guard is operating, see Ex. Ord. No. 12123, Feb. 26, 1979, 44 F.R. 11199, set out as a note under section 1811 of this title.

SUBCHAPTER II—FISHERMEN'S CONTINGENCY FUND

§ 1843. Duties and powers of Secretary

(a) Prescription and amendment of regulations respecting settlement of claims; identification classification of potential hazards to commercial fishing

In carrying out the provisions of this subchapter, the Secretary shall—

(1) prescribe, and from time to time amend, regulations for the filing, processing, and fair and expeditious settlement of claims pursuant to this subchapter, including a time limitation of not less than 90 days on the filing of such claims (except that, notwithstanding any other provision of law, final regulations implementing the 1981 amendments to this subchapter shall be published in the Federal Register within 120 days after the date of the enactment of such amendments); and

[*See main edition for text of* (*2*); (*b*)]

(c) Disbursement of payments to compensate commercial fishermen; restrictions

(1) Payments shall be disbursed by the Secretary from the Fund to compensate commercial fishermen for actual and consequential damages, including resulting economic loss, due to damages to, or loss of, fishing gear by materials, equipment, tools, containers, or other items associated with Outer Continental Shelf oil and gas exploration, development, or production activities. The compensation payable under this section for resulting economic loss shall be an amount equal to 50 per centum of such loss. For purposes of this subsection, the term "resulting economic loss" means the gross income, as estimated by the Secretary, that a commercial fisherman who is eligible for compensation under this section will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the damaged or lost fishing gear concerned is repaired or replaced and available for use.

[*See main edition for text of* (*2*)]

(As amended Pub. L. 98-498, title IV, § 420(1), (2), Oct. 19, 1984, 98 Stat. 2309.)

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-498 substituted "limitation of not less than 90 days on" for "limitation on".

Subsec. (c)(1). Pub. L. 98-498 substituted "50 percent" for "25 per centum".

§ 1845. Claims procedure

(a) Filing requirement; time to file

Any commercial fisherman suffering damages compensable under this subchapter may file a claim for compensation with the Secretary under subsection (d)(1) of this section.

[*See main edition for text of* (b) *and* (c)]

(d) Acceptance of claim by Secretary; time to render decision; review of initial determination

(1) The Secretary shall, under regulations prescribed pursuant to section 1843(a) of this title, specify the time, form and manner in which claims must be filed.

[*See main edition for text of* (2) *and* (3); (e) *to* (i)]

(As amended Pub. L. 98-498, title IV, § 420(3), (4), Oct. 19, 1984, 98 Stat. 2309.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-498 substituted "under subsection (d)(1) of this section" for ", except that no such claim may be filed more than 60 days after the date of discovery of the damages with respect to which such claim is made".

Subsec. (d)(1). Pub. L. 98-498 added "time," before "form".

CHAPTER 38—CRUDE OIL TRANSPORTATION SYSTEMS

§ 2011. Judicial review

[*See main edition for text of* (a) *and* (b)]

(c) Jurisdiction of courts

An action under subsection (b) of this section shall be barred unless a petition is filed within the time specified. Any such petition shall be filed in the appropriate United States district court. A copy of such petition shall be transmitted by the clerk of such court to the Secretary. Notwithstanding the amount in controversy, such court shall have jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided and to provide appropriate relief. No State or local court shall have jurisdiction of any such claim whether in a proceeding instituted before, on, or after the date this chapter becomes effective. No court shall have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization in connection with a crude oil transportation system approved under section 2007(a) of this title or the Long Beach-Midland project, except as part of a final judgment entered in a case involving a claim filed pursuant to this section.

(As amended Pub. L. 98-620, title IV, § 402(45), Nov. 8, 1984, 98 Stat. 3360.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-620 struck out provision that any such proceeding had to be assigned for hearing at the earliest possible date and had to be expedited by the court.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

This title was enacted by Pub. L. 90-620, § 1, Oct. 22, 1968, 82 Stat. 1238

Chap.		Sec.
21.	National Archives and Records Administration	2101
29.	Records Management by the Archivist of the United States and by the Administrator of General Services	2901

AMENDMENTS

1984—Pub. L. 98-497, title I, §§ 102(c)(2), 107(b)(18)(B), Oct. 19, 1984, 98 Stat. 2283, 2290, substituted "National Archives and Records Administration" for "Archival Administration" in item 21, and added "the Archivist of the United States and by the" in item 29.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 30 section 1809; title 40 section 474.

CHAPTER 1—JOINT COMMITTEE ON PRINTING

§ 101. Joint Committee on Printing: membership

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-497, § 1, Oct. 19, 1984, 98 Stat. 2280, provided: "That this Act [enacting sections 2103 to 2106 of this title and provisions set out as notes under sections 101 and 2102 of this title, redesignating existing sections 2103 to 2114 as sections 2107 to 2118 of this title, amending sections 710, 711, 729, 1501 to 1503, 1506, 1714, 2101, 2102, 2107 to 2118, 2204, 2205, 2301 to 2305, 2307, 2501, 2504, 2506, 2901 to 2909, 3102 to 3106, 3302 to 3303a, 3308, 3310, 3311, 3504, and 3513 of this title and provisions set out as a note under section 2111 of this title, sections 106a, 106b, 112, 113, and 201 of Title 1, General Provisions, sections 6 and 11 to 13 of Title 3, The President, sections 141 to 145 of Title 4, Flag and Seal, Seat of Government, and the States, sections 552a and 5314 of Title 5, Government Organization and Employees, section 199a of Title 25, Indians, and repealing section 2507 of this title] may be cited as the 'National Archives and Records Administration Act of 1984'."

CHAPTER 3—GOVERNMENT PRINTING OFFICE

Sec.	
311.	Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority.

AMENDMENTS

1985—Pub. L. 99-151, title III, § 305(b)(2), Nov. 13, 1985, 99 Stat. 808, inserted "; contract negotiation authority" in item 311.

§ 311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority

(a) Purchases may be made from appropriations under the "Government Printing Office" without reference to the Federal Property and Administrative Services Act, approved June 30, 1949, as amended, concerning purchases for the Federal Government.

(b) In addition to the authority to negotiate otherwise provided by law, the Public Printer may negotiate purchases and contracts for supplies or services for which the Public Printer determines that it is impracticable to secure competition by advertising. The Public Printer may not award a contract under this subsection unless he justifies the use of negotiation in writing and certifies the accuracy and completeness of the justification. The justification shall set out facts and circumstances that clearly and convincingly establish that advertising would not be practicable for such contract. Such a justification is final and a copy thereof shall be maintained in the Government Printing Office for at least 6 years after the date of the determination. The Public Printer may designate one or more employees of the Government Printing Office to carry out this subsection.

(As amended Pub. L. 99-151, title III, § 305(a), (b)(1), Nov. 13, 1985, 99 Stat. 808.)

AMENDMENTS

1985—Pub. L. 99-151, § 305(b)(1), added "; contract negotiation authority" in section catchline.

Pub. L. 99-151, § 305(a), designated existing provisions as subsec. (a), and added subsec. (b).

CHAPTER 5—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 503 of this title; title 5 section 4109; title 7 section 285; title 16 sections 916*l*, 961; title 20 sections 954, 956; title 21 section 114c; title 22 sections 272a, 280b, 280i, 280k, 287e, 287r, 290b, 1471, 2024, 2588, 2669; title 33 section 1123; title 42 section 1870.

CHAPTER 7—CONGRESSIONAL PRINTING AND BINDING

§ 710. Copies of Acts furnished to Public Printer

The Archivist of the United States shall furnish to the Public Printer a copy of every Act and joint resolution, as soon as possible after its approval by the President, or after it has become a law under the Constitution without his approval.

(As amended Pub. L. 98–497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist of the United States" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 711. Printing Acts, joint resolutions, and treaties

The Public Printer, on receiving from the Archivist of the United States a copy of an Act or joint resolution, or from the Secretary of State, a copy of a treaty, shall print an accurate copy and transmit it in duplicate to the Archivist of the United States or to the Secretary of State, as the case may be, for revision. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title.

(As amended Pub. L. 98–497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist of the United States" for "Administrator of General Services" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 729. United States Statutes at Large: references in margins

The Archivist of the United States shall include in the references in margins of the United States Statutes at Large the number of the bill or joint resolution (designating S. for Senate bill, H.R. for House bill, S.J. Res. for Senate joint resolution and H.J. Res. for House joint resolution, as the case may be) under which each Act was approved and became a law, the reference in the margins to be placed within brackets immediately under the date of the approval of the Act at the beginning of each Act as printed beginning with Volume 32 of the United States Statutes at Large.

(As amended Pub. L. 98–497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist of the United States" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress

[See main edition for text of first par.]

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in the upper right-hand corner the letters "U.S.S." or "M. C." Franks may also contain information relating to missing children as provided in section 3220 of title 39. But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

[See main edition for text of third to fifth pars.]

(As amended Pub. L. 99–87, § 1(c)(2), Aug. 9, 1985, 99 Stat. 291.)

AMENDMENTS

1985—Pub. L. 99–87 added provision that franks may also contain information of missing children as provided in section 3220 of title 39.

TERMINATION DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–87 not effective two and one-half years after Aug. 9, 1985, see section 5 of Pub. L. 99–87, set out as a note under section 3220 of Title 39, Postal Service.

CHAPTER 9—CONGRESSIONAL RECORD

§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes

ARCHIVIST OF THE UNITED STATES

References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of this title with respect to functions transferred by Pub. L. 98–497 or an amendment made by Pub. L. 98–497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub. L. 98–497, set out as notes under section 2102 of this title.

CHAPTER 11—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

Sec.	
1108.	Presidential approval required for printing of periodicals; number printed; sale to public.

AMENDMENTS

1984—Pub. L. 98–216, § 3(d)(1), Feb. 14, 1984, 98 Stat. 6, substituted "Presidential" for "Bureau of Budget" in item 1108.

§ 1108. Presidential approval required for printing of periodicals; number printed; sale to public

The head of an executive department, independent agency or establishment of the Government, with the approval of the President, may use from the appropriations available for printing and binding such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications he certifies in writing to be necessary in the transaction of the public business required by law of the department, office, or establishment. There may be printed, in addition to those necessary for the public business, not to exceed two thousand copies for free distribution by the issuing department, office, or establishment. The Public Printer, subject to regulation by the Joint Committee on Printing, shall print additional copies required for sale to the public by the Superintendent of Documents; but the printing of these additional copies may not interfere with the prompt execution of printing for the Government.

(As amended Pub. L. 98-216, § 3(d)(2), (3), Feb. 14, 1984, 98 Stat. 6.)

AMENDMENTS

1984—Pub. L. 98-216 substituted "Presidential" for "Bureau of Budget" in section catchline and substituted "President" for "Director of the Bureau of the Budget" in text.

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

CROSS REFERENCES

Admiralty suits—
- United States public vessels: damages, towage, or salvage; reports as to settlements, see section 790 of Title 46, Appendix, Shipping.
- United States vessels or cargoes; reports as to awards and settlements, see section 752 of Title 46, Appendix.

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

§ 1501. Definitions

As used in this chapter, unless the context otherwise requires—

[*See main edition for text of first and second undesignated pars.*]

"person" means an individual, partnership, association, or corporation; and

"National Archives of the United States" has the same meaning as in section 2901(11) of this title.

(As amended Pub. L. 98-497, title I, § 107(b)(2), Oct. 19, 1984, 98 Stat. 2286.)

AMENDMENTS

1984—Pub. L. 98-497 added definition of "National Archives of the United States".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1502. Custody and printing of Federal documents; appointment of Director

The Archivist of the United States, acting through the Office of the Federal Register, is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published by section 1505 of this title. There shall be at the head of the Office a director, appointed by, and who shall act under the general direction of, the Archivist of the United States in carrying out this chapter and the regulations prescribed under it.

(As amended Pub. L. 98-497, title I, § 107(b)(3), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1503. Filing documents with Office; notation of time; public inspection; transmission for printing

The original and two duplicate originals or certified copies of a document required or authorized to be published by section 1505 of this title shall be filed with the Office of the Federal Register, which shall be open for that purpose during all hours of the working days when the National Archives Building is open for official business. The Archivist of the United States shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing. When the original is issued, prescribed, or promulgated outside the District of Columbia, and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon filing, at least one copy shall be immediately available for public inspection in the Office. The original shall be retained by the National Archives and Records Administration and shall be available for inspection under regulations prescribed by the Archivist, unless such original is disposed of in accordance with disposal schedules submitted by the Administrative Committee of the Federal Register and authorized by the Archivist pursuant to regulations issued under chapter 33 of this title; however, originals of proclamations of the President and Executive orders shall be permanently retained by the Administration as part of the National Archives of the United States. The Office shall transmit immediately to the Government Printing Office for printing, as provided by this chapter, one duplicate original or certified copy of each document required or authorized to be published by section 1505 of this title. Every Federal agency shall cause to be transmitted for filing the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

(As amended Pub. L. 98-497, title I, § 107(b)(4), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services", "National Archives and Records Administration" for "General Services Administration", and "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1506. Administrative Committee of the Federal Register; establishment and composition; powers and duties

The Administrative Committee of the Federal Register shall consist of the Archivist of the United States or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Federal Register shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out this chapter. The regulations shall provide, among other things—

[*See main edition for text of (1) to (5)*]

(As amended Pub. L. 98-497, title I, § 107(b)(5), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services, under section 754 of title 40, to regroup, transfer, and distribute functions within the General Services Administration, does not extend to the Committee or its functions."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

DELEGATION OF FUNCTIONS

For delegations of functions vested in the President by section 6 of the Federal Register Act [now this section], to the Attorney General and Archivist of the United States, see section 6(b) of Ex. Ord. No. 10530, May 11, 1954, 19 F.R. 2709, as amended, set out as a note under section 301 of Title 3, The President. See, also, section 103(b)(1) of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1510. Code of Federal Regulations

DELEGATION OF FUNCTIONS

For delegation of functions vested in the President by section 11(a) and (f) of the Federal Register Act [now subsecs. (a) and (f) of this section], to the Attorney General and Archivist of the United States, see section 6(b) of Ex. Ord. No. 10530, May 11, 1954, 19 F.R. 2709, as amended, set out as a note under section 301 of Title 3, The President. See, also, section 103(b)(1) of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 17—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

Sec.
1714. Publications for use of General Services Administration.[1]

§ 1714. Publications for use of National Archives and Records Administration

The Public Printer shall print and deliver to the National Archives and Records Administration for use by the Archivist of the United States, including use by the Presidential Library established for the President during whose term the documents were issued, which shall be chargeable to Congress three copies each of the following publications:

House documents and public reports, bound;

Senate documents and public reports, bound;

Senate and House journals, bound;

United States Code and Supplements, bound;

United States Statutes at Large, bound;

the United States Reports, bound;

all other documents bearing a congressional number, or printed upon order of a committee in either House of Congress, or of a department, independent agency or establishment, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; and

public bills and resolutions in Congress in each parliamentary stage.

The Superintendent of Documents shall furnish, without cost, copies of publications available for free distribution.

(As amended Pub. L. 98-497, title I, § 107(b)(6), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "National Archives and Records Administration" for "General Services Administration" in section catchline and text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 19—DEPOSITORY LIBRARY PROGRAM

§ 1907. Libraries of executive departments, service academies, and independent agencies constituted depositories; certifications of need; disposal of unwanted publications

ARCHIVIST OF THE UNITED STATES

References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of this title with respect to functions transferred by Pub. L. 98-497 or an amendment made by Pub. L. 98-497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub. L. 98-497, set out as notes under section 2102 of this title.

CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Sec.
2101. Definitions.
2102. Establishment.
2103. Officers.
2104. Administrative provisions.
2105. Personnel and services.
2106. Reports to Congress.
2107. Acceptance of records for historical preservation.
2108. Responsibility for custody, use, and withdrawal of records.
2109. Preservation, arrangement, duplication, exhibition of records.
2110. Servicing records.
2111. Material accepted for deposit.
2112. Presidential archival depository.

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[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of chapter analysis.

Sec.
2113. Depository for agreements between States.
2114. Preservation of motion-picture films, still pictures, and sound recordings.
2115. Reports; correction of violations.
2116. Legal status of reproductions; official seal; fees for copies and reproductions.
2117. Limitation on liability.
2118. Records of Congress.

AMENDMENTS

1984—Pub. L. 98-497, title I, § 102(c)(1), Oct. 19, 1984, 98 Stat. 2282, amended analysis generally, substituting "National Archives and Records" in chapter heading, adding items 2102 to 2106 and redesignating former items 2103 to 2114 as 2107 to 2118, respectively.

CROSS REFERENCES

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107 of this title.

§ 2101. Definitions

As used in this chapter—

(1) "Presidential archival depository" means an institution operated by the United States to house and preserve the papers and book of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life;

(2) "historical materials" including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value;

(3) "Archivist" means the Archivist of the United States appointed under section 2103 of this title; and

(4) "Administration" means the National Archives and Records Administration established under section 2102 of this title.

(As amended Pub. L. 98-497, title I, § 102(b), Oct. 19, 1984, 98 Stat. 2282.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "this chapter" for "sections 2103-2113 of this title", designated the two existing paragraphs as pars. (1) and (2), respectively, and added pars. (3) and (4).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2102. Establishment

There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.

(As amended Pub. L. 98-497, title I, § 101, Oct. 19, 1984, 98 Stat. 2280.)

AMENDMENTS

1984—Pub. L. 98-497 substituted provisions directing that there shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration and that the Administration shall be administered under the supervision and direction of the Archivist for provisions which had formerly directed only that the Administrator of General Services appoint the Archivist of the United States.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 301 of Pub. L. 98-497 provided that: "The provisions of this Act [enacting sections 2103 to 2106 of this title and provisions set out as notes under sections 101 and 2102 of this title, redesignating existing sections 2103 to 2114 as sections 2107 to 2118 of this title, amending sections 710, 711, 729, 1501 to 1503, 1506, 1714, 2101, 2102, 2107 to 2118, 2204, 2205, 2301 to 2305, 2307, 2501, 2504, 2506, 2901 to 2909, 3102 to 3106, 3302 to 3303a, 3308, 3310, 3311, 3504, and 3513 of this title and provisions set out as a note under section 2111 of this title, sections 106a, 106b, 112, 113, and 201 of Title 1, General Provisions, sections 6 and 11 to 13 of Title 3, The President, sections 141 to 145 of Title 4, Flag and Seal, Seat of Government, and the States, sections 552a and 5314 of Title 5, Government Organization and Employees, section 199a of Title 25, Indians, and repealing section 2507 of this title] (including the amendments made by this Act) shall be effective on April 1, 1985."

SAVINGS PROVISION

Section 105 of Pub. L. 98-497 provided that:

"(a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act [Pub. L. 98-497] or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

"(b)(1) The transfer of functions by this Act [Pub. L. 98-497] and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act [Apr. 1, 1985] before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

"(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

"(c) Except as provided in subsection (e)—

"(1) the provisions of this Act [Pub. L. 98-497] and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act [Apr. 1, 1985], and

"(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

"(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in the official capacity of such officer shall abate by reason of any transfer of functions by this Act [Pub. L. 98-497] or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

"(e) If, before the date on which this Act takes effect [Apr. 1, 1985], the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act [Pub. L. 98-497] or the amendments made by this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

"(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act [Pub. L. 98-497] or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist."

Transfer of Functions, Personnel, Assets, Liabilities, Contracts, Property, Records, and Unexpended Balances, Etc.

Sections 103, 104 of Pub. L. 98-497 provided that:

"Sec. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

"(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709 [set out as a note under section 301 of Title 3, The President]; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order Nunbered 11440 of December 11, 1968 (33 Fed. Reg. 18475 [set out as a note under section 2109 of this title]; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

"(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648) [set out as a note under section 2112 of this title], relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) [set out as a note under section 2112 of this title] and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

"(c) In the exercise of the functions transferred by this Act [Pub. L. 98-497] and the amendments made by this Act, the Archivist shall have the same authority as had the Administrator of General Services prior to the transfer of such functions, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

"(d) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

"Sec. 104. (a) Except as otherwise provided in this Act [Pub. L. 98-497], the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

"(b) The transfer pursuant to this title [title I (§§ 101-108) of Pub. L. 98-497] of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act [Apr. 1, 1985], whichever is later."

References in Other Laws

Section 106 of Pub. L. 98-497 provided that: "With respect to any functions transferred by this Act [Pub. L. 98-497] or by an amendment made by this Act and exercised after the effective date of this Act [Apr. 1, 1985], reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act [Apr. 1, 1985], or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration."

Spending Authority

Section 302 of Pub. L. 98-437 provided that: "Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts."

Definitions

Section 108 of Pub. L. 98-497 provided that: "For purposes of sections 103 through 106 [set out as notes above]—

"(1) the term 'Archivist' means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

"(2) the term 'Administration' means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

"(3) the term 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 3102, 3317 of this title.

§ 2103. Officers

(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2280.)

PRIOR PROVISIONS

A prior section 2103 was renumbered section 2107 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 3102, 3317 of this title.

§ 2104. Administrative provisions

(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

(b) Except as otherwise expressly provided by law, the Archivist may delegate any of the functions of the Archivist to such officers and employees of the Administration as the Archivist may designate, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

(f) The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

(g) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

(h) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2281.)

PRIOR PROVISIONS

A prior section 2104 was renumbered section 2108 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2105. Personnel and services

(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2281.)

Prior Provisions

A prior section 2105 was renumbered section 2109 of this title.

Effective Date

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

Section Referred to in Other Sections

This section is referred to in sections 3102, 3316 of this title.

§ 2106. Reports to Congress

The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund. Such report shall describe—

(1) program administration and expenditures of funds, both appropriated and nonappropriated, by the Administration, the Commission, and the Trust Fund Board;

(2) research projects and publications undertaken by Commission grantees, and by Trust Fund grantees, including detailed information concerning the receipt and use of all appropriated and nonappropriated funds;

(3) by account, the moneys, securities, and other personal property received and held by the National Archives Trust Fund Board, and of its operations, including a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure to other Federal agencies; and

(4) the matters specified in section 2904(c)(8) of this title.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2282.)

Prior Provisions

A prior section 2106 was renumbered section 2110 of this title.

Effective Date

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

Section Referred to in Other Sections

This section is referred to in sections 3102, 3317 of this title.

§ 2107. Acceptance of records for historical preservation

When it appears to the Archivist to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency, the Congress, the Architect of the Capitol, or the Supreme Court determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than thirty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certified in writing to the Archivist that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records, deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Archivist by section 2111 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1287, § 2103; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 95-416, § 1(a), Oct. 5, 1978, 92 Stat. 915; renumbered § 2107 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(1), Oct. 19, 1984, 98 Stat. 2280, 2285.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 397(a) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(*o*), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69).

Prior Provisions

A prior section 2107 was renumbered section 2111 of this title.

Amendments

1984—Pub. L. 98-497, § 107(a)(1), substituted "Archivist" for "Administrator of General Services" in provisions preceding par. (1), substituted ", the Congress, the Architect of the Capitol, or the Supreme Court" for "or of the Congress" in par. (1), substituted "Archivist" for "Administrator" in par. (2), and substituted "Archivist" for "Administrator" and "section 2111" for "section 2107" in par. (4).

1978—Par. (2). Pub. L. 95-416 substituted "thirty years" for "fifty years".

1976—Par. (4). Pub. L. 94-575 substituted reference to section "2107" for "3106".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Section Referred to in Other Sections

This section is referred to in sections 3102, 3317 of this title; title 36 section 138.

§ 2108. Responsibility for custody, use, and withdrawal of records

(a) The Archivist shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Archivist and to the employees of the National Archives and Records Administration, respectively. Except as provided in subsection (b) of this section, when the head of a Federal agency states, in writing, restrictions that appear to him to be necessary or desirable in the public interest with respect to the use or examination of records being considered for transfer from his custody to the Archivist, the Archivist shall, if he concurs,,[1] impose such restrictions on the records so transferred, and may not relax or remove such restrictions without the written concurrence of the head of the agency from which the material was transferred, or of his successor in function, if any. In the event that a Federal agency is terminated and there is no successor in function, the Archivist is authorized to relax, remove, or impose restrictions on such agency's records when he determines that such action is in the public interest. Statutory and other restrictions referred to in this subsection shall remain in force until the records have been in existence for thirty years unless the Archivist by order, having consulted with the head of the transfering Federal agency or his successor in function, determines, with respect to specific bodies of records, that for reasons consistent with standards established in relevant statutory law, such restrictions shall remain in force for a longer period. Restriction on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Archivist with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

(b) With regard to the census and survey records of the Bureau of the Census containing data identifying individuals enumerated in population censuses, any release pursuant to this section of such identifying information contained in such records shall be made by the Archivist pursuant to the specifications and agreements set forth in the exchange of correspondence on or about the date of October 10, 1952, between the Director of the Bureau of the Census and the Archivist of the United States, together with all amendments thereto, now or hereafter entered into between the Director of the Bureau of the Census and the Archivist of the United States. Such amendments, if any, shall be published in the Register.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2104; Pub. L. 95-416, § 1(b), Oct. 5, 1978, 92 Stat. 915; renumbered § 2108 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(2), Oct. 19, 1984, 98 Stat. 2280, 2285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(b) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

REFERENCES IN TEXT

Section 3 of the National Archives Act, approved June 19, 1934, referred to in subsec. (a), was classified to section 300c of former Title 44, Public Printing and Documents, and was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, § 7(d), 64 Stat. 590.

PRIOR PROVISIONS

A prior section 2108 was renumbered section 2112 of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(2), substituted "the Archivist and to the employees of the National Archives and Records Administration" for "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration", struck out "and in consultation with the Archivist of the United States" before "impose such restrictions" in third sentence, struck out "the Archivist and" after "having consulted with" in fifth sentence, substituted "Archivist" for "Administrator of General Services" wherever appearing, and substituted "Archivist" for "Administrator" wherever appearing.

Subsec. (b). Pub. L. 98-497, § 107(a)(2)(D), substituted "Archivist" for "Administrator of General Services".

1978—Pub. L. 95-416 designated existing provisions as subsec. (a), added provisions permitting the Administrator to relax, remove, or impose restrictions in the public interest of records of agencies which have been terminated and requiring the Administrator with regard to duration of restrictions to consult with the Archivist and the head of the transferring Federal agency or his successor in function, and substituted "thirty years" for "fifty years", and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2109. Preservation, arrangement, duplication, exhibition of records

The Archivist shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by the National Historical Publications and Records Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2105; renumbered § 2109 and amended Pub. L.

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[1] So in original.

98-497, title I, §§ 102(a)(1), 107(a)(3), Oct. 19, 1984, 98 Stat. 2280, 2285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(c) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(*o*), 66 Stat. 594).

PRIOR PROVISIONS

A prior section 2109 was renumbered section 2113 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(3), substituted "Archivist" for "Administrator of General Services" and added "and Records" after "National Historical Publications".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EX. ORD. NO. 11440. SUPPLEMENTAL USE OF EXHIBITS AND DISPLAYS CREATED IN FUTHERANCE OF AUTHORIZED PROGRAMS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Ex. Ord. No. 11440, Dec. 11, 1968, 33 F.R. 18475, as amended by Pub. L. 98-497, title I, § 103(b)(1), Oct. 19, 1984, 98 Stat. 2283, provided:

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated into or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

WHEREAS under Chapter 21 of Title 44, United States Code, the Archivist of the United States is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and.

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

NOW, THEREFORE, by virtue of the authority vested in me, as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of all executive departments and agencies are directed—

(a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Archivist of the United States, or his designee, for the purpose of assuring that any such exhibits or displays which the Archivist finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

(b) to transfer to the Archivist, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the department or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

SEC. 2. The Archivist of the United States is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preservation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Archivist of the United States of the exhibit or display.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2110. Servicing records

The Archivist shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2106; renumbered § 2110 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(4), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(d) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

PRIOR PROVISIONS

A prior section 2110 was renumbered section 2114 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(4), substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2111. Material accepted for deposit

When the Archivist considers it to be in the public interest he may accept for deposit—

(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Archivist as to their use; and

(2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2107; Pub. L. 95-591, § 2(b)(2), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2111 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(5), Oct. 19, 1984, 98 Stat. 2280, 2286.)

Historical and Revision Notes

Based on 44 U.S. Code 1964 ed., § 397(e) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

Prior Provisions

A prior section 2111 was renumbered section 2115 of this title.

Amendments

1984—Pub. L. 98-497, § 107(a)(5), substituted "Archivist" for "Administrator of General Services" in provisions preceding par. (1), and substituted "Archivist" for "Administrator" in par. (1).

1978—Pub. L. 95-591 added provision excluding Presidential records which are subject to provisions of chapter 22 of this title from application of this section.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

Presidential Recordings and Materials Preservation Act

Pub. L. 93-526, title I, §§ 101-106, Dec. 19, 1974, 88 Stat. 1695-1698, as amended by Pub. L. 98-497, title I, § 107(c), Oct. 19, 1984, 98 Stat. 2291, provided: "That this Act [enacting this note, sections 3315 to 3324 of this title, and provisions set out as a note under section 3315 of this title] may be cited as the 'Presidential Recordings and Materials Preservation Act'.

"Title I—Preservation of Presidential Recordings and Materials

"DELIVERY AND RETENTION OF CERTAIN PRESIDENTIAL MATERIALS

"Sec. 101. (a) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code any Federal employee in possession shall deliver, and the Archivist of the United States (hereinafter referred to as the 'Archivist') shall receive, obtain, or retain, complete possession and control of all original tape recordings of conversations which were recorded or caused to be recorded by any officer or employee of the Federal Government and which—

"(1) involve former President Richard M. Nixon or other individuals who, at the time of the conversation, were employed by the Federal Government;

"(2) were recorded in the White House or in the office of the President in the Executive Office Buildings located in Washington, District of Columbia; Camp David, Maryland; Key Biscayne, Florida; or San Clemente, California; and

"(3) were recorded during the period beginning January 20, 1969, and ending August 9, 1974.

"(b)(1) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code, the Archivist shall receive, retain, or make reasonable efforts to obtain, complete possession and control of all papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

"(2) For purposes of this subsection, the term 'historical materials' has the meaning given it by section 2101 of title 44, United States Code.

"AVAILABILITY OF CERTAIN PRESIDENTIAL MATERIALS

"Sec. 102. (a) None of the tape recordings or other materials referred to in section 101 shall be destroyed, except as hereafter may be provided by law.

"(b) Notwithstanding any other provision of this title, any other law, or any agreement or understanding made pursuant to section 2111 of title 44, United States Code, the tape recordings and other materials referred to in section 101 shall, immediately upon the date of enactment of this title, be made available, subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, for use in any judicial proceeding or otherwise subject to court subpena or other legal process. Any request by the Office of Watergate Special Prosecution Force, whether by court subpena or other lawful process, for access to such recordings or materials shall at all times have priority over any other request for such recordings or materials.

"(c) Richard M. Nixon, or any person whom he may designate in writing, shall at all times have access to the tape recordings and other materials referred to in section 101 for any purpose which is consistent with the provisions of this title, subsequent and subject to the regulations which the Archivist shall issue pursuant to section 103.

"(d) Any agency or department in the executive branch of the Federal Government shall at all times have access to the tape recordings and other materials referred to in section 101 for lawful Government use, subject to the regulations which the Archivist shall issue pursuant to section 103.

"REGULATIONS TO PROTECT CERTAIN TAPE RECORDINGS AND OTHER MATERIALS

"Sec. 103. The Archivist shall issue at the earliest possible date such regulations as may be necessary to assure the protection of the tape recordings and other materials referred to in section 101 from loss or destruction, and to prevent access to such recordings and materials by unauthorized persons. Custody of such recordings and materials shall be maintained in Washington, District of Columbia, or its metropolitan area, except as may otherwise be necessary to carry out the provisions of this title.

"REGULATIONS RELATING TO PUBLIC ACCESS

"Sec. 104. (a) The Archivist shall, within ninety days after the date of enactment of this title [Dec. 19, 1974], submit to each House of the Congress a report proposing and explaining regulations that would provide public access to the tape recordings and other materials referred to in section 101. Such regulations shall take into account the following factors:

"(1) the need to provide the public with the full truth, at the earliest reasonable date, of the abuses of governmental power popularly identified under the generic term 'Watergate';

"(2) the need to make such recordings and materials available for use in judicial proceedings;

"(3) the need to prevent general access, except in accordance with appropriate procedures established for use in judicial proceedings to information relating to the Nation's security;

"(4) the need to protect every individual's right to a fair and impartial trial;

"(5) the need to protect any party's opportunity to assert any legally or constitutionally based right or privilege which would prevent or otherwise limit access to such recordings and materials;

"(6) the need to provide public access to those materials which have general historical significance, and which are not likely to be related to the need described in paragraph (1); and

"(7) the need to give to Richard M. Nixon, or his heirs, for his sole custody and use, tape recordings and other materials which are not likely to be related to the need described in paragraph (1) and are not otherwise of general historical significance.

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of the first period of 60 calendar days of continuous session of the Congress after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

"(c) The provisions of this title shall not apply, on and after the date upon which regulations proposed by the Administrator take effect under subsection (b), to any tape recordings or other materials given to Richard M. Nixon, or his heirs, pursuant to subsection (a)(7).

"(d) The provisions of this title shall not in any way affect the rights, limitations or exemptions applicable under the Freedom of Information Act, 5 U.S.C. § 552 et seq.

"JUDICIAL REVIEW

"Sec. 105. (a) The United States District Court for the District of Columbia shall have exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title or of any regulation issued under the authority granted by this title, and any action or proceeding involving the question of title, ownership, custody, possession, or control of any tape recording or material referred to in section 101 or involving payment of any just compensation which may be due in connection therewith. Any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution, and such challenge shall have priority on the docket of such court over other cases.

"(b) If, under the procedures established by subsection (a), a judicial decision is rendered that a particular provision of this title, or a particular regulation issued under the authority granted by this title, is unconstitutional or otherwise invalid, such decision shall not affect in any way the validity or enforcement of any other provision of this title or any regulation issued under the authority granted by this title.

"(c) If a final decision of such court holds that any provision of this title has deprived an individual of private property without just compensation, then there shall be paid out of the general fund of the Treasury of the United States such amount or amounts as may be adjudged just by that Court.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 106. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

Section Referred to in Other Sections

This section is referred to in sections 2107, 2112, 3102, 3317 of this title.

§ 2112. Presidential archival depository

(a) When the Archivist considers it to be in the public interest he may accept, for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

The Archivist shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

a statement of the terms of the proposed agreement, if any;

a general description of the types of paper, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Archivist may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 2112 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2112 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g) When the Archivist considers it be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Archivist determines.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1289, § 2108; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2112 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(6), Oct. 19, 1984, 98 Stat. 2280, 2286.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 397(f) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

Prior Provisions

A prior section 2112 was renumbered section 2116 of this title.

Amendments

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

Subsecs. (b), (c). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator" and "section 2111" for "section 2107" wherever appearing.

Subsecs. (d) to (g). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator" wherever appearing.

1978—Subsec. (c). Pub. L. 95-591 limited the application of subsec. (c) when dealing with Presidential records.

1976—Subsecs. (b), (c). Pub. L. 94-575 substituted reference to section "2107" for "3106".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

John Fitzgerald Kennedy Library

Pub. L. 89-547, Aug. 27, 1966, 80 Stat. 370, provided: "That the Administrator of General Services is hereby authorized to accept title to the structure or structures to be erected and equipped at Cambridge, Massachusetts, by the John Fitzgerald Kennedy Library, Incorporated, to be transferred to the United States Government, without reimbursement, for use as a Presidential archival depository to be known as the John Fitzgerald Kennedy Library, and to maintain, operate, and protect such depository as a part of the National Archives system. The Administrator may enter into such agreements with the officers of the John Fitzgerald Kennedy Library, Incorporated, as are necessary to complete the transfer of title to the United States and may do so without regard to the provision of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-547 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

Lyndon Baines Johnson Presidential Archival Depository

Pub. L. 89-169, Sept. 6, 1965, 79 Stat. 648, provided: "That the Administrator of General Services is hereby authorized to enter into an agreement upon such terms and conditions as he determines proper with the University of Texas to utilize as the Lyndon Baines Johnson Archival Depository, land, buildings, and equipment of such university to be made available by it without transfer of title to the United States, and to maintain, operate and protect such depository as a part of the National Archives system. Such agreement may be entered into without regard to the provisions of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1)) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-169 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

Section Referred to in Other Sections

This section is referred to in sections 3102, 3317 of this title.

§ 2113. Depository for agreements between States

The Archivist may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take necessary actions for their preservation and servicing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2109; renumbered § 2113 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 397(h) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

Prior Provisions

A prior section 2113 was renumbered section 2117 of this title.

Amendments

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Section Referred to in Other Sections

This section is referred to in section 3102 of this title.

§ 2114. Preservation of motion-picture films, still pictures, and sound recordings

The Archivist may make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2110; renumbered § 2114 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 397(i) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(*o*), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

Prior Provisions

A prior section 2114 was renumbered section 2118 of this title.

Amendments

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Cross References

Secretary of Agriculture—
  Loan, rental or sale of films, see section 2246 of Title 7, Agriculture.
  Sale of photographic prints and maps, see section 2243 of Title 7.
  Sale of prints and lantern slides, see section 2245 of Title 7.

Secretary of Education, establishment of loan service of captioned films and educational media for handicapped, see section 1451 et seq. of Title 20, Education.

Section Referred to in Other Sections

This section is referred to in section 3102 of this title.

§ 2115. Reports; correction of violations

(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from any Federal agency on such agency's activities under such chapters.

(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2111; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2115 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(8), Oct. 19, 1984, 98 Stat. 2280, 2286.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 398 (June 30, 1949, ch. 288, title V, § 508, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(8), amended section generally, adding reference to the Archivist and deleting reference to chapter 27 of this title.

1976—Subsec. (b). Pub. L. 94-575 included reference to chapter 33 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2116. Legal status of reproductions; official seal; fees for copies and reproductions

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Archivist the indefinite retention by the photographic, microphotographic, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapter 21, 29, 31, and 33 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Archivist, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2112; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2116 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(9), title II, § 201, Oct. 19, 1984, 98 Stat. 2280, 2286, 2292.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 399 (June 30, 1949, ch. 288, title V, § 509, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(9)(A), substituted "Archivist" for "Administrator of General Services".

Subsec. (b). Pub. L. 98-497, § 107(a)(9)(B), substituted "Archivist" for "Administrator".

Subsec. (c). Pub. L. 98-497, § 201, substituted provisions transferring functions from the Administrator of General Services to the Archivist of the United States, further substituted provisions relating to permissible fee charges for former provisions which set a fee not in excess of 10 percent above costs and expenses for making copies, added "unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work", and struck out provision that reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

1976—Subsec. (a). Pub. L. 94-575 included reference to chapter 33 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title; title 25 section 199a.

§ 2117. Limitation on liability

When letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Archivist, the United States or its agents are not liable for infringement of copyright or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2113; Pub. L. 94-553, § 105(b), Oct. 19, 1976, 90 Stat. 2599; renumbered § 2117 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 400 (June 30, 1949, ch. 288, title V, § 510, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

1976—Pub. L. 94-553 substituted "productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights" for "productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2118. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2114; renumbered § 2118 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(10), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 402 (Aug. 2, 1946, ch. 753, title I, § 140, 60 Stat. 833).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(10)), substituted "National Archives and Records Administration" for "General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 22—PRESIDENTIAL RECORDS

§ 2201. Definitions

EFFECTIVE DATE

Section 3 of Pub. L. 95-591 provided that: "The amendments made by this Act [enacting this chapter, amending sections 2111 and 2112 of this title, and enacting provisions set out as notes under this section] shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981."

§ 2204. Restrictions on access to Presidential records

[See main edition for text of (a) and (b)]

(c)(1) Subject to the limitations on access imposed pursuant to subsections (a) and (b), Presidential records shall be administered in accordance with section 552 of title 5, United States Code, except that paragraph (b)(5) of that section shall not be available for purposes of withholding any Presidential record, and for the purposes of such section such records shall be deemed to be records of the National Archives and Records Administration. Access to such records shall be granted on nondiscriminatory terms.

[See main edition for text of (2); (d) and (e)]

(As amended Pub. L. 98-497, title I, § 107(b)(7), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Subsec. (c)(1). Pub. L. 98-497 substituted "National Archives and Records Administration" for "National Archives and Records Service of the General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to section 2204—

(1) the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

[See main edition for text of (2) and (3)]

(As amended Pub. L. 98-497, title I, § 107(b)(7), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Par. (1). Pub. L. 98-497 substituted "National Archives and Records Administration" for "National Archives and Records Service of the General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 23—NATIONAL ARCHIVES TRUST FUND BOARD

Sec.	
2302.	Authority of the Board; seal; services; bylaws; rules; regulations; employees.
2303.	Powers and obligations of Board; liability of members.[1]
2304.	Compensation of members; availability of trust funds for expenses of Board.[1]

AMENDMENTS

1984—Pub. L. 98-497, title II, § 202(c), Oct. 19, 1984, 98 Stat. 2294, amended item 2302 generally.

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities. Membership on the Board is not an office within the meaning of the statutes of the United States.

(As amended Pub. L. 98-497, title I, § 107(b)(8), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Board or its functions."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

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[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of analysis.

§ 2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees

In carrying out the purposes of this chapter, the Board—

(1) may adopt an official seal, which shall be judicially noticed;

(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

(3) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

(4) may, subject to the laws and regulations governing appointments in the civil service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

References in Text

The laws governing appointments in the civil service, referred to in par. (4), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Amendments

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "In carrying out the purposes of this chapter, the Board may—

"(1) adopt an official seal, which shall be judicially noticed;

"(2) appoint, or authorize the Chairman to appoint, without regard to the civil-service laws, necessary employees, and fix their duties; and

"(3) adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2303. Powers and obligations of the Board; liability of members

Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

Amendments

1984—Pub. L. 98-497 amended section generally, inserting "Except as otherwise provided by this chapter,".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2304. Compensation of members; availability of trust funds for expenses of the Board

Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

Amendments

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the expenditures necessarily made by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid out of income from trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution, may authorize the Chairman to use for these purposes, or for any other purpose for which funds may be expended under this chapter, the principal of a gift or bequest accepted under this chapter."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2305. Acceptance of gifts

The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

Amendments

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "The Board may accept, receive, hold, and administer gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the General Services Administration as may be approved by the Board."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2307. Trust fund account; disbursements; sales of publications and releases

The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.

(As amended Pub. L. 98-497, title II, § 202(b), Oct. 19, 1984, 98 Stat. 2294.)

Amendments

1984—Pub. L. 98-497 substituted "on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration" for "by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Chairman or his authorized agent, unless otherwise restricted by the instrument of gift or bequest, for and in the interest of the national archival and records activities administered by the General Services Administration" and further substituted "Archivist" for "Chairman" in second sentence.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Sec.
[2507. Repealed.]

Amendments

1984—Pub. L. 98-497, title I, § 107(b)(12)(B), Oct. 19, 1984, 98 Stat. 2287, struck out item 2507 "Report to Congress".

Cross References

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

§ 2501. Creation; composition; appointment and tenure

The National Historical Publications and Records Commission shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years; two members of the Society of American Archivists to be appointed, for terms of four years, by the Society of American Archivists; two members of the American Association for State and Local History to be appointed, for terms of four years, by the American Association for State and Local History; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

The Commission shall meet annually and on call of the Chairman.

(As amended Pub. L. 98-497, title I, § 107(b)(9), Oct. 19, 1984, 98 Stat. 2287.)

Amendments

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2504. Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material

(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources, it considers appropriate for printing or otherwise recording at the public expense. It shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States. The Archivist of the United States may, within the limits of available appropriated and donated funds, make allocations to Federal agencies, and grants to State and local agencies and to nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. Before making allocations and grants, the Archivist should seek the advice and recommendations of the National Historical Publications and Records Commission. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least annually, plans, estimates, and recommendations approved by the Commission.

(b) For the purposes specified in subsection (a), there is authorized to be appropriated to the National Archives and Records Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30[1] 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.

(As amended Pub. L. 98-189, Nov. 30, 1983, 97 Stat. 1323; Pub. L. 98-497, title I, § 107(b)(10), Oct. 19, 1984, 98 Stat. 2287.)

Amendments

1984—Subsec. (a). Pub. L. 98-497, § 107(b)(10)(A)-(D), substituted "Archivist of the United States" for "Administrator of General Services" in third sentence, substituted "Archivist" for "Administrator" in fourth sentence, added "and Records" after "Historical Preservation" in fourth sentence, and substituted "transmit to the President and the Congress" for "transmit to the Administrator" in last sentence.

Subsec. (b). Pub. L. 98-497, § 107(b)(10)(E), substituted "National Archives and Records Administration" for "General Services Administration".

1983—Subsec. (b). Pub. L. 98-189 substituted provisions authorizing appropriations for the fiscal year ending Sept. 30, 1984, and for each of the four succeeding fiscal years, for provisions authorizing appropriations for the fiscal year ending Sept. 30, 1981.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

Section Referred to in Other Sections

This section is referred to in sections 2506, 3102 of this title.

§ 2506. Records to be kept by grantees

(a) Each recipient of grant assistance under section 2504 of this title shall keep such records as the Archivist of the United States prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of the grants, the total cost of the project or undertaking in connection with which funds are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and any other records as will facilitate an effective audit.

(b) The Archivist and the Comptroller General of the United States or their authorized representatives shall have access for the purposes of audit and examination to books, documents, papers, and records of the recipients that are pertinent to the grants received under section 2504 of this title.

(As amended Pub. L. 98-497, title I, § 107(b)(11), Oct. 19, 1984, 98 Stat. 2287.)

Amendments

1984—Subsec. (a). Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services".

Subsec. (b). Pub. L. 98-497 substituted "Archivist" for "Administrator".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

[§ 2507. Repealed. Pub. L. 98-497, title I, § 107(b)(12)(A), Oct. 19, 1984, 98 Stat. 2287]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, related to the report that the Administrator is required to make annually to Congress.

Effective Date of Repeal

Repeal by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES

Sec.
2904. General responsibilities of Administrator.[1]

Amendments

1984—Pub. L. 98-497, title I, § 107(b)(18)(A), Oct. 19, 1984, 98 Stat. 2290, added "THE ARCHIVIST OF THE UNITED STATES AND BY THE" in chapter heading.

Cross References

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

Chapter Referred to in Other Sections

This chapter is referred to in sections 2115, 2116, 3107, 3504 of this title.

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[1] So in original. Should be followed by a comma.

[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of chapter analysis.

§ 2901. Definitions

As used in this chapter, and chapters 21, 25, 31, and 33 of this title—

[*See main edition for text of* (*1*)]

(2) the term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations;

[*See main edition for text of* (*3*) *to* (*5*)]

(6) the term "records center" means an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

[*See main edition for text of* (*7*) *and* (*8*)]

(9) the term "servicing" means making available for use information in records and other materials in the custody of the Archivist, or in a records center—

[*See main edition for text of* (*A*) *and* (*B*); (*10*)]

(11) the term "National Archives of the United States" means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Archivist for deposit in his custody;

(12) the term "Archivist" means the Archivist of the United States;

(13) the term "executive agency" shall have the meaning given such term by section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

(14) the term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol); and

(15) the term "Administrator" means the Administrator of General Services.

(As amended Pub. L. 98–497, title I, § 107(b)(13), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Pub. L. 98–497, § 107(b)(13)(A), struck out reference to chapter 27 in provisions preceding par. (1).

Par. (2). Pub. L. 98–497, § 107(b)(13)(B), added "in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations".

Pars. (6), (9), (11). Pub. L. 98–497, § 107(b)(13)(C), substituted "Archivist" for "Administrator".

Par. (12). Pub. L. 98–497, § 107(b)(13)(D), substituted "Archivist" and "Archivist of the United States" for "Administrator" and "Administrator of General Services", respectively. See par. (15) of this section.

Par. (13). Pub. L. 98–497, § 107(b)(13)(D), struck out references to "Federal agency" and to subsec. (b) of section 3 of the Federal Property and Administrative Services Act of 1949. See par. (14) of this section.

Pars. (14), (15). Pub. L. 98–497, § 107(b)(13)(D), added pars. (14) and (15).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1501, 3102 of this title; title 17 section 704.

§ 2902. Objectives of records management

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

[*See main edition for text of* (*1*) *to* (*6*)]

(7) Establishment and maintenance of such other systems or techniques as the Administrator or the Archivist considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.

(As amended Pub. L. 98–497, title I, § 107(b)(14), Oct. 19, 1984, 98 Stat. 2288.)

AMENDMENTS

1984—Par. (7). Pub. L. 98–497 added "or the Archivist" after "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 2903. Custody and control of property

The Archivist shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

(As amended Pub. L. 98–497, title I, § 107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist" for "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 2904. General responsibilities for records management

(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

(2) to conduct research with respect to the improvement of records management practices and programs;

(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget in January of each year and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

(d) In addition, the Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.

(As amended Pub. L. 98-497, title I, § 107(b)(16), Oct. 19, 1984, 98 Stat. 2288.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "for records management" for "of Administrator" in section catchline.

Subsec. (a). Pub. L. 98-497 designated existing first sentence as subsec. (a) and in subsec. (a) as so designated substituted "Archivist" for "Administrator" and further substituted "ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition" for "records creation, records maintenance and use, and records disposition".

Subsec. (b). Pub. L. 98-497 added subsec. (b).

Subsec. (c). Pub. L. 98-497 designated existing second sentence as subsec. (c) and in subsec. (c) as so designated substituted "In carrying out the responsibilities under subsection (a) or (b), respectively" for "In providing such guidance and assistance," and adding reference to the Archivist in the matter preceding par. (1).

Subsec. (c)(1). Pub. L. 98-497 redesignated par. (2) as (1). Provisions contained in former par. (1) are now contained substantially in subsec. (d).

Subsec. (c)(2). Pub. L. 98-497 redesignated par. (3) as (2). Former par. (2) redesignated (1).

Subsec. (c)(3). Pub. L. 98-497 redesignated par. (6) as (3) and added "to collect and", "training programs", and "other activities". Former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 98-497 redesignated par. (5) as (4). Former par. (4), which read "serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management", was struck out.

Subsec. (c)(5). Pub. L. 98-497 redesignated par. (7) as (5) and in par. (5) as so redesignated struck out "the burden placed on the Federal Government by unnecessary paperwork" after "Congress on" and further struck out "creation" before "maintenance" and "and use, and disposition" after "maintenance". Former par. (5) redesignated (4).

Subsec. (c)(6). Pub. L. 98-497 redesignated par. (8) as (6) and in par. (6) as so redesignated struck out "with particular attention given to standards and procedures governing records creation" at the end thereof. Former par. (6) redesignated (3).

Subsec. (c)(7). Pub. L. 98-497 redesignated par. (9) as (7) and in par. (7) as so redesignated substituted "surveys of the records and the records management programs and practices within and between Federal agencies" for "records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management". Former par. (7) redesignated (5).

Subsec. (c)(8). Pub. L. 98-497 redesignated par. (10) as (8) and in par. (8) as so redesignated added "in January of each year", "the Archivist or" and substituted "(7)" for "(9)" and "(6)" and "(7)" for "(8)" and "(9)", respectively, in subpars. (A) and (B).

Subsec. (c)(9), (10). Pub. L. 98-497 redesignated pars. (9) and (10) as (7) and (8), respectively.

Subsec. (d). Pub. L. 98-497 added subsec. (d).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2106, 3102 of this title.

§ 2905. Establishment of standards for selective retention of records; security measures

(a) The Archivist shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(b) The Archivist shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.

(As amended Pub. L. 98-497, title I, § 107(b)(15)(B), title II, § 203(a), Oct. 19, 1984, 98 Stat. 2288, 2294.)

Amendments

1984—Subsec. (a). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

Pub. L. 98-497, § 203(a), added "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made."

Subsec. (b). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2906. Inspection of agency records

(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.

(As amended Pub. L. 98-497, title I, § 107(b)(17), Oct. 19, 1984, 98 Stat. 2289.)

Amendments

1984—Pub. L. 98-497 added reference to the Archivist in four places in subsecs. (a) and (b) and, in subsec. (b)(2), added "The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2907. Records centers and centralized microfilming services

The Archivist may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

(As amended Pub. L. 98-497, title I, § 107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

Amendments

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2908. Regulations

Subject to applicable law, the Archivist shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(As amended Pub. L. 98-497, title I, § 107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

Amendments

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2909. Retention of records

The Archivist may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that specified in disposal schedules; and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules.

(As amended Pub. L. 98–497, title I, § 107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

CROSS REFERENCES

Definitions used in provisions respecting records management by Archivist of the United States and by Administrator of General Services to have same meaning when used in this chapter, see section 2901 of this title.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107, 3504 of this title.

§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

[*See main edition for text of* (*1*)]

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101–2117, 2501–2507, 2901–2909, and 3101–3107, of this title and the regulations issued under them.

(As amended Pub. L. 98–497, title I, § 107(b)(19), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pars. (2), (3). Pub. L. 98–497 added "and the Archivist" after "Administrator of General Services" in par. (2), and substituted "sections 2101–2117" for "sections 2101–2113" and struck out "2701," before "2901" in par. (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 3103. Transfer of records to records centers

When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.

(As amended Pub. L. 98–497, title I, § 107(b)(20), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.

(As amended Pub. L. 98–497, title I, § 107(b)(21), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

[*See main edition for text of* (*1*) *and* (*2*)]

(As amended Pub. L. 98–497, title I, § 107(b)(22), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of this title.

§ 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(As amended Pub. L. 98-497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294.)

Amendments

1984—Pub. L. 98-497, § 107(b)(21), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator".

Pub. L. 98-497, § 203(b), added "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made."

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 33—DISPOSAL OF RECORDS

Sec.

3303. Lists and schedules of records to be submitted to Archivist by head of each Government agency.[1]
3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.
3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.

Amendments

1984—Pub. L. 98-497, title I, § 107(b)(25)(D), Oct. 19, 1984, 98 Stat. 2290, substituted "Archivist" for "Administrator of General Services" in items 3303, 3303a, and 3311.

Cross References

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

Chapter Referred to in Other Sections

This chapter is referred to in sections 1503, 2115, 2116, 2901, 2902, 3504 of this title; title 5 section 552b.

§ 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction

The Archivist shall promulgate regulations, not inconsistent with this chapter, establishing—

[See main edition for text of (1) to (3)]

(As amended Pub. L. 98-497, title I, § 107(b)(23), Oct. 19, 1984, 98 Stat. 2290.)

Amendments

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3303. Lists and schedules of records to be submitted to the Archivist by head of each Government agency

The head of each agency of the United States Government shall submit to the Archivist, under regulations promulgated as provided by section 3302 of this title—

[See main edition for text of (1) to (3)]

(As amended Pub. L. 98-497, title I, § 107(b)(23), (25)(A), Oct. 19, 1984, 98 Stat. 2290.)

Amendments

1984—Pub. L. 98-497 substituted "the Archivist" for "Administrator of General Services" in section catchline, and "Archivist" for "Administrator of General Services" in text.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

(1) notify the agency to that effect; and

(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

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[1] Does not conform to section catchline.

(1) those particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.

(As amended Pub. L. 98-497, title I, § 107(b)(24), (25)(B), title II, § 204, Oct. 19, 1984, 98 Stat. 2290, 2294.)

AMENDMENTS

1984—Pub. L. 98-497, § 107(b)(25)(B), substituted "Archivist" for "Administrator of General Services" in section catchline.

Subsec. (a). Pub. L. 98-497, § 107(b)(24), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator".

Pub. L. 98-497, § 204, added ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" after "may" in second sentence.

Subsecs. (b) to (f). Pub. L. 98-497, § 107(b)(24)(B), substituted "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3308. Disposal of similar records where prior disposal was authorized

When it appears to the Archivist that an agency has in its custody, or is accumulating, records of the same form or character as those of the same agency previously authorized to be disposed of, he may empower the head of the agency to dispose of the records, after they have been in existence a specified period of time, in accordance with regulations promulgated under section 3302 of this title and without listing or scheduling them.

(As amended Pub. L. 98-497, title I, § 107(b)(23), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3310. Disposal of records constituting menace to health, life, or property

When the Archivist and the head of the agency that has custody of them jointly determine that records in the custody of an agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall eliminate the menace immediately by any method he considers necessary. When records in the custody of the Archivist are disposed of under this section, the Archivist shall report their disposal to the agency from which they were transferred.

(As amended Pub. L. 98-497, title I, § 107(b)(24), Oct. 19, 1984, 98 Stat. 2290.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

(1) the retention of which would be prejudicial to the interests of the United States or

(2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation.

Within six months after their disposal, the official who directed the disposal shall submit a written report to the Archivist in which he shall describe the character of the records and state when and where he disposed of them.

(As amended Pub. L. 98-497, title I, § 107(b)(23), (25)(C), Oct. 19, 1984, 98 Stat. 2290.)

Amendments

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services" in section catchline and text.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3317. Duties of Commission

References in Text

Sections 2103 through 2108 of this title, referred to in par. (2), were renumbered as sections 2107 through 2112 of this title by Pub. L. 98-497, title I, § 102(a)(1), Oct. 19, 1984, 98 Stat. 2280.

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

Chapter Referred to in Other Sections

This chapter is referred to in title 16 sections 1379, 1855; title 20 section 1221-3; title 29 sections 1535, 1751, 1752; title 42 section 6924.

§ 3502. Definitions

As used in this chapter—

[*See main edition for text of (1) to (9)*]

(10) the term "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

[*See main edition for text of (11) to (16)*]

(As amended Pub. L. 98-443, § 9(h), Oct. 4, 1984, 98 Stat. 1708.)

Amendments

1984—Par. (10). Pub. L. 98-443 struck out "the Civil Aeronautics Board," after "the Federal Reserve System,".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

§ 3504. Authority and functions of Director

[*See main edition for text of (a) to (d)*]

(e) The records management functions of the Director shall include—

(1) providing advice and assistance to the Archivist of the United States and the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Archivist of the United States and the Administrator of General Services thereunder; and

[*See main edition for text of (3); (f) to (h)*]

(As amended Pub. L. 98-497, title I, § 107(b)(26), Oct. 19, 1984, 98 Stat. 2291.)

Amendments

1984—Subsec. (e)(1), (2). Pub. L. 98-497 added "the Archivist of the United States and" before "the Administrator of General Services" wherever appearing.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3513. Director review of agency activities; reporting; agency response

(a) The Director shall, with the advice and assistance of the Administrator of General Services and the Archivist of the United States, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

[*See main edition for text of (b) and (c)*]

(As amended Pub. L. 98-497, title I, § 107(b)(27), Oct. 19, 1984, 98 Stat. 2291.)

Amendments

1984—Subsec. (a). Pub. L. 98-497 added "the Archivist of the United States" after "Administrator of General Services".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

TITLE 45—RAILROADS

CHAPTER 4—CARE OF ANIMALS IN TRANSIT

§§ 75, 76. Transferred

CODIFICATION

Section 75, acts Mar. 3, 1891, ch. 521, § 1, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 789, relating to rules as to accommodations for export animals, was transferred to section 466a of Title 46, Shipping, and subsequently repealed and reenacted as section 3901 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

Section 76, acts Mar. 3, 1891, ch. 521, § 2, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 790, relating to penalties for rule violations, was transferred to section 466b of Title 46, and subsequently repealed and reenacted as section 3902 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

CHAPTER 8—RAILWAY LABOR

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 181, 182 of this title; title 11 section 1113.

CHAPTER 9—RETIREMENT OF RAILROAD EMPLOYEES

SUBCHAPTER IV—RAILROAD RETIREMENT ACT OF 1974

Sec.
231f-1. Annual actuarial report.
231n-1. Social Security Equivalent Benefit Account.
    (a) Establishment.
    (b) Transfers, etc., to Social Security Equivalent Benefit Account.
    (c) Availability and transfer of funds.
    (d) Transfers from Railroad Retirement Account to Social Security Equivalent Benefit Account; retransfer.
    (e) Applicability of section 231n.
    (f) References to Railroad Retirement Account deemed references to Social Security Equivalent Benefit Account; "social security equivalent benefits" defined.
231v. Inspector General.

SUBCHAPTER IV—RAILROAD RETIREMENT ACT OF 1974

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 354, 361, 362, 591, 726, 797d, 909, 1207 of this title; title 7 section 2012; title 12 section 3413; title 26 sections 22, 72, 3231, 3304, 6103, 6334, 6050G; title 42 sections 402, 405, 426-1, 1395i-1, 1395s, 1395v, 1395gg, 1395kk.

§ 231. Definitions

For the purposes of this subchapter—

[*See main edition for text of* (*a*) *to* (*g*)]

(h) [*See main edition for text of* (*1*) *to* (*5*)]

(6) Notwithstanding the provisions of the preceding subdivisions of this subsection, the term "compensation" shall not include—

(i) tips, except as is provided under subdivision (3) of this subsection;

(ii) remuneration for service which is performed by a non-resident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 1101(a)(15) of title 8, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be;

(iii) remuneration earned in the service of a local lodge or division of a railway-labor-organization employer with respect to any calendar month in which the amount of such remuneration is less than $25;

(iv) remuneration for service as a delegate to a national or international convention of a railway-labor-organization employer if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service;"

(v) the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of sickness or accident disability or medical or hospitalization expenses in connection with sickness or accident disability; and

(vi) an amount paid specifically—either as an advance, as reimbursement or allowance—for traveling or other bona fide and necessary expenses incurred or reasonably expected to be incurred in the business of the employer provided any such payment is identified by the employer either by a separate payment or by specifically indicating the separate amounts where both wages and expense reimbursement or allowance are combined in a single payment.

(7) The term "compensation" includes any separation allowance or subsistence allowance paid under any benefit schedule provided under section 701 of title VII of the Regional Rail Reorganization Act of 1973 [45 U.S.C. 797] and

any termination allowance paid under section 702 of that Act [45 U.S.C. 797a], but does not include any other benefits payable under that title [45 U.S.C. 797 et seq.]. The total amount of any subsistence allowance paid under a benefit schedule provided pursuant to section 701 of the Regional Rail Reorganization Act of 1973 shall be considered as having been earned in the month in which the employee first timely filed a claim for such an allowance.

(8) Notwithstanding any other provision of this subchapter, for the purposes of sections 231b(a)(1), 231c(a)(1), and 231c(f)(1) of this title, the term "compensation" includes any payment from any source to an employee or employee representative if such payment is subject to tax under section 3201 or 3211 of the Internal Revenue Code of 1954 [26 U.S.C. 3201, 3211].

[*See main edition for text of* (*i*) *to* (*n*)]

(*o*) An individual shall be deemed to have "a current connection with the railroad industry" at the time an annuity begins to accrue to him and at death if, in any thirty consecutive calendar months before the month in which an annuity under this subchapter begins to accrue to him, or the month in which he dies if that first occurs, he will have been in service as an employee in not less than twelve calendar months and, if such thirty calendar months do not immediately precede such month, he will not have been engaged in any regular employment other than employment for an employer or employment with the Department of Transportation, the Interstate Commerce Commission, the National Mediation Board, the National Transportation Safety Board, the State-owned railroad (as defined in the Alaska Railroad Transfer Act of 1982 [45 U.S.C. 1201 et seq.]), so long as it is an instrumentality of the State of Alaska, or the Railroad Retirement Board in the period before such month and after the end of such thirty months. For purposes of section 231a(b) of this title and section 231a(d) of this title only, an individual shall be deemed also to have "a current connection with the railroad industry" if, after having completed twenty-five years of service, such individual involuntarily and without fault ceased rendering service as an employee under this subchapter and did not thereafter decline an offer of employment in the same class or craft as the individual's most recent employee service. For purposes of section 231a(d) of this title only, an individual shall be deemed to have a "current connection with the railroad industry" if a pension will have been payable to that individual under the Railroad Retirement Act of 1937 [45 U.S.C. 228a et seq.] or a retirement annuity based on service of not less than 10 years (as computed in awarding the annuity) will have begun to accrue to that individual prior to 1948 under the Railroad Retirement Act of 1937. For the purposes of section 231a(d) of this title only, an individual shall be deemed also to have a "current connection with the railroad industry" if he will have completed ten years of service and (A) he would be neither fully nor currently insured under the Social Security Act [42 U.S.C. 301 et seq.] if his service as an employee after December 31, 1936, were included in the term "employment" as defined in that Act, or (B) he has no quarters of coverage under the Social Security Act.

[*See main edition for text of* (*p*) *to* (*r*)]

(As amended Jan. 14, 1983, Pub. L. 97-468, title VI, § 615(b)(6), 96 Stat. 2578; Aug. 12, 1983, Pub. L. 98-76, title IV, §§ 402(a), 403(a), 410(a), 97 Stat. 434, 435.)

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsec. (h)(7), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended. Title VII of the Regional Rail Reorganization Act of 1973 is classified generally to subchapter VII (§ 797 et seq.) of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Alaska Railroad Transfer Act of 1982, referred to in subsec. (*o*), is Pub. L. 97-468, title VI, § 601 et seq., Jan 14, 1983, 96 Stat. 2556, as amended, which is classified principally to chapter 21 (§ 1201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of this title and Tables.

AMENDMENTS

1983—Subsec. (h)(6). Pub. L. 98-76, § 402(a), struck out cl. (ii), which provided that term "compensation" would not include the voluntary payment by an employee, without deduction from the remuneration of the employee, of any tax not now or thereafter imposed with respect to the compensation of such employee, and redesignated cls. (iii) to (vii) as (ii) to (vi), respectively.

Subsec. (h)(7). Pub. L. 98-76, § 403(a), added par. (7).

Subsec. (h)(8). Pub. L. 98-76, § 410(a), added par. (8).

Subsec. (*o*). Pub. L. 97-468 inserted "the State-owned railroad (as defined in the Alaska Railroad Transfer Act of 1982 [45 U.S.C. 1201 et seq.]), so long as it is an instrumentality of the State of Alaska," after "National Transportation Safety Board,".

EFFECTIVE DATE OF 1983 AMENDMENTS

Section 402(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231 and 351 of this title] shall apply to compensation paid for services rendered after June 30, 1983."

Section 403(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231 and 351 of this title] shall be effective August 13, 1981."

Section 410(b) of Pub. L. 98-76 provided that: "The amendment made by this section [enacting subsec. (h)(8) of this section] shall apply with respect to payments made on or after January 1, 1982."

Amendment by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of this title, see section 615(b) of Pub. L. 97-468.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231a, 231b, 231e, 231f, 231n, 231q, 352, 368 of this title; title 42 sections 402, 405.

§ 231a. Annuity eligibility requirements

(a) Individuals eligible for annuities; disability standards; proof of continued disability

(1) The following-described individuals, if they shall have completed ten years of service and shall have filed application for annuities, shall, subject to the conditions set forth in sub-

sections (e), (f), and (h) of this section, be entitled to annuities in the amounts provided under section 231b of this title—

(i) individuals who have attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]);

(ii) individuals who have attained the age of sixty and have completed thirty years of service;

(iii) individuals who have attained the age of sixty-two and have completed less than thirty years of service, but the annuity of such individuals shall be reduced by $\frac{1}{180}$ for each of the first 36 months that he or she is under retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]) when the annuity begins to accrue and by $\frac{1}{240}$ for each additional month that he or she is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue;

[*See main edition for text of* (*iv*) *and* (*v*); (*2*)]

(3) Such satisfactory proof shall be made from time to time as prescribed by the Board, of the disability provided for in paragraph (iv) or (v) of subdivision (1) and of the continuance of such disability (according to the standards applied in the establishment of such disability) until the employee attains retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]). If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of the disability until he attains retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]), his right to an annuity by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights to any subsequent annuity to which he may be entitled.

[*See main edition for text of* (*b*)]

(c) Spouses eligible for annuities

(1) The spouse of an individual, if—

[*See main edition for text of* (*i*)]

(ii) such spouse (A) has attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]), or (B) has attained the age of 60 and such individual has completed thirty years of service, or (C), in the case of a wife, has in her care (individually or jointly with her husband) a child who meets the qualifications prescribed in paragraph (iii) of subsection (d)(1) of this section (without regard to the provisions of clause (B) of such paragraph),

shall, subject to the conditions set forth in subsections (e), (f), and (h) of this section, be entitled to a spouse's annuity, if he or she has filed application therefor, in the amount provided under section 231c of this title.

(2) A spouse who would be entitled to an annuity under subdivision (1) or a divorced wife who would be entitled to an annuity under subdivision (4) if he or she had attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]) may elect upon or after attaining the age of 62 to receive such annuity, but the annuity in any such case shall be reduced by $\frac{1}{144}$ for each of the first 36 months that the spouse or divorced wife is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue and by $\frac{1}{240}$ for each additional month that the spouse or divorced wife is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue, except that the annuity of a divorced wife who was previously entitled to a spouse annuity which was reduced under this subdivision shall be reduced by the same percentage as was applicable to the spouse annuity.

(3) For the purposes of this subchapter, the term "spouse" shall mean the wife or husband of an annuitant under subsection (a)(1) of this section who (i) was married to such annuitant for a period of not less than one year immediately preceding the day on which the application for a spouse's annuity is filed, or in the month prior to his or her marriage to such annuitant was eligible for an annuity under paragraph (i) or (iv) of subsection (d)(1) of this section or, on the basis of disability, under paragraph (iii) thereof, or is the parent of such annuitant's son or daughter; and (ii) in the case of a husband, was receiving at least one-half of his support from his wife at the time his wife's annuity under subsection (a)(1) of this section began.

(4) The "divorced wife" (as defined in section 216(d) of the Social Security Act [42 U.S.C. 416(d)]) of an individual, if—

(i) such individual (A) is entitled to an annuity under subsection (a)(1) of this section and (B) has attained the age 62;

(ii) such divorced wife (A) has attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)] [1] and (B) is not married; and

[*See main edition for text of* (*iii*)]

shall, subject to the conditions set forth in subsections (e), (f), and (h) of this section, be entitled to a divorced wife annuity, if she has filed an application therefor, in the amount provided under section 231c of this title.

(d) Survivors eligible for annuities

(1) The following described survivors of a deceased employee who will have completed ten years of service and will have had a current connection with the railroad industry at the time of his death shall, subject to the conditions set forth in subsections (g) and (h) of this section, be entitled to annuities, if they have filed application therefor, in the amounts provided under section 231c of this title—

[*See main edition for text of* (*i*) *and* (*ii*)]

(iii) a child (as defined in section 216(e) and (k) of the Social Security Act [42 U.S.C. 416(e) and (k)]) of such a deceased employee who (A) will be less than eighteen years of age, or (B) will be less than nineteen years of age and a full-time elementary or secondary school student, or (C) will, without regard to his age, be under a disability which began before he attained age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under this paragraph terminated because he ceased to be under a disability, and who is unmarried and was dependent upon the employee at the time of the employee's death;

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[1] So in original. Probably should be followed by a closing parenthesis.

(iv) a parent (as defined in section 202(h)(3) of the Social Security Act [42 U.S.C. 402(h)(3)]) of such a deceased employee who (A) will have attained the age of sixty and (B) will have received at least one-half of his or her support from such deceased employee at the time of the employee's death and (C) will not have remarried after the employee's death: *Provided, however,* That no parent will be entitled to an annuity under this paragraph on the basis of the deceased employee's compensation and years of service in any case where such employee died leaving a widow or widower or a child who is, or who might in the future become, entitled to an annuity under this subsection, but neither this proviso nor clause (B) or (C) of this paragraph shall operate to deny any parent an annuity to the extent and in the amount of the benefit that such parent would have received under the Social Security Act [42 U.S.C. 301 et seq.] if the service as an employee of the individual, with respect to which such parent would be eligible to receive an annuity under this subchapter except for this proviso and those clauses, were included in "employment" as defined in the Social Security Act; and

[*See main edition for text of* (*v*), (*2*) *and* (*3*)]

(4) In determining for purposes of this subsection and subdivision (3) of subsection (c) of this section whether an applicant is the wife, husband, widow, widower, child, or parent of a deceased employee as claimed, the rules set forth in section 216(h) of the Social Security Act [42 U.S.C. 416(h)] shall be applied deeming for this purpose, individuals entitled to an annuity under subsection (c) of this section to be entitled to benefits under subsection (b) or (c) of section 202 of the Social Security Act [42 U.S.C. 402] and individuals entitled to an annuity under paragraph (i) or (ii) of subsection (d)(1) of this section to be entitled to a benefit under subsection (e), (f), or (g) of section 202 of the Social Security Act. For purposes of paragraph (iii) of subdivision (1), a child shall be deemed to have been dependent upon his parent employee if the conditions set forth in section 202(d)(3), (4) or (9) of the Social Security Act are fulfilled. The provisions of paragraph (7) of section 202(d) of the Social Security Act (defining the terms "full-time elementary or secondary school student" and "elementary or secondary school") shall be applied by the Board in the administration of this subsection as if the references therein to the Secretary were references to the Board. A child who attains age nineteen at a time when he is a full-time elementary or secondary school student (as defined in subparagraph (A) of paragraph (7) of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a diploma or equivalent certificate from a secondary school (as defined in section 202(d)(7)(c)(i)[4] of the Social Security Act) shall be deemed (for purposes of determining his continuing or initial entitlement to an annuity under this subsection) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the elementary or secondary school in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is enrolled or until the first day of the third month beginning after such time, whichever first occurs).

(e) Compensated service; rights to return

[*See main edition for text of* (*1*)]

(2) An annuity under subsection (a)(1) of this section shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person, or persons, by whom he was last employed: *Provided, however,* That this requirement shall not apply to individuals mentioned in paragraphs (iv) and (v) of subsection (a)(1) of this section prior to attaining retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]): *Provided further,* That, notwithstanding the provisions of the preceding proviso and of clause (i) of subsection (c)(1) of this section, an annuity shall be paid to the spouse of an individual only if such individual shall have satisfied the requirements of this subdivision without regard to the preceding proviso: *And provided further,* That, notwithstanding the provisions of the first proviso of this subdivision and of clause (iii) of subsection (b)(1) of this section, a supplemental annuity shall be paid to an individual only if such individual shall have satisfied the requirements of this subdivision without regard to the first proviso thereof.

[*See main edition for text of* (*3*)]

(4) No annuity under paragraph (iv) or (v) of subsection (a)(1) of this section shall be paid to an individual with respect to any month in which the individual is under retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]) and is paid more than $200 in earnings from employment or self-employment of any form: *Provided, however,* That for purposes of this subdivision, if a payment in any one calendar month is for accruals in more than one calendar month, such payment shall be deemed to have been paid in each of the months in which accrued to the extent accrued in such month. Any such individual under the retirement age (as defined in section 216(*l*) of the Social Security Act) shall report to

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[4] So in original. Probably should be "202(d)(7)(C)(i)".

the Board any such payment of earnings for such employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment. A deduction shall be imposed, with respect to any such individual who fails to make such report, in the annuity or annuities otherwise due the individual, in an amount equal to the amount of the annuity for each month in which he is paid such earnings in such employment or self-employment, except that the first deduction imposed pursuant to this sentence shall in no case exceed an amount equal to the amount of the annuity otherwise due for the first month with respect to which the deduction is imposed. If pursuant to the first sentence of this subdivision an annuity was not paid to an individual with respect to one or more months in any calendar year, and it is subsequently established that the total amount of such individual's earnings during such year as determined in accordance with that sentence (but exclusive of earnings for services described in subdivision (3)) did not exceed $2,400, the annuity with respect to such month or months, and any deduction imposed by reason of the failure to report earnings for such month or months under the third sentence of this subdivision, shall then be payable. If the total amount of such individual's earnings during such year (exclusive of earnings for services described in subdivision (3)) is in excess of $2,400, the number of months in such year with respect to which an annuity is not payable by reason of such first and third sentences shall not exceed one month for each $200 of such excess, treating the last $100 or more of such excess as $200; and if the amount of the annuity has changed during such year, any payments of annuities which become payable solely by reason of the limitations contained in this sentence shall be made first with respect to the month or months for which the annuity is larger.

[*See main edition for text of* (5); (*f*) *and* (*g*)]

(h) Military service; reductions

(1) Repealed. Pub. L. 98–76, title IV, § 414(a), Aug. 12, 1983, 97 Stat. 436.

[*See main edition for text of* (2) *to* (4)]

(As amended Aug. 12, 1983, Pub. L. 98–76, title I, §§ 104(a), (b), 106(a)–(g), title IV, §§ 409(a), 413(a), 414(a), 415, 97 Stat. 416–418, 435, 436.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (c)(4), (d)(1)(iv), and (f)(1), (2), and (4), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Paragraph (3) of section 202(e) of the Social Security Act [42 U.S.C. 402(e)(3)], referred to in subsec. (d)(1)(v), was repealed, and paragraph (4) of section 202(e) of that Act was redesignated as paragraph (3) of section 202(e) and was further amended, by Pub. L. 98–21, title I, § 131(a)(1)–(3)(A), Apr. 20, 1983, 97 Stat. 92.

AMENDMENTS

1983—Subsec. (a)(1)(i). Pub. L. 98–76, § 106(a)(1), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "the age of sixty-five".

Subsec. (a)(1)(iii). Pub. L. 98–76, § 106(a)(2), substituted "reduced by $\frac{1}{180}$ for each of the first 36 months that he or she is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue and by $\frac{1}{240}$ for each additional month that he or she is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue" for "reduced by $\frac{1}{180}$ for each calendar month that he or she is under age sixty-five when the annuity begins to accrue".

Subsec. (a)(3). Pub. L. 98–76, § 106(b), which directed the substitution of "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "the age of 65" and "the age of sixty-five years" was executed by substituting that phrase for "the age of sixty-five" and "the age of sixty-five years".

Subsec. (c)(1)(ii). Pub. L. 98–76, § 106(c), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "the age of 65".

Subsec. (c)(2). Pub. L. 98–76, § 106(d), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "the age of 65" and "reduced by $\frac{1}{144}$ for each of the first 36 months that the spouse or divorced wife is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue and by $\frac{1}{240}$ for each additional month that the spouse or divorced wife is under retirement age (as defined in section 216(*l*) of the Social Security Act) when the annuity begins to accrue" for "reduced by $\frac{1}{144}$ for each calendar month that the spouse or divorced wife is under age 65 when the annuity begins to accrue".

Pub. L. 98–76, § 409(a), inserted ", except that the annuity of a divorced wife who was previously entitled to a spouse annuity which was reduced under this subdivision shall be reduced by the same percentage as was applicable to the spouse annuity" before the period.

Subsec. (c)(3). Pub. L. 98–76, § 415, struck out ", if, as of the day on which the application for a spouse's annuity is filed, such wife or husband and such annuitant were members of the same household, or such wife or husband was receiving regular contributions from such annuitant toward her or his support, or such annuitant has been ordered by any court to contribute to the support of such wife or husband" after "annuitant's son or daughter".

Subsec. (c)(4)(ii)(A). Pub. L. 98–76, § 106(e), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act" for "the age of 65".

Subsec. (d)(1)(iii)(B). Pub. L. 98–76, § 104(a), substituted "nineteen years of age and a full-time elementary or secondary school student" for "twenty-two years of age and a full-time student at an educational institution".

Subsec. (d)(1)(iv). Pub. L. 98–76, § 413(a), inserted ", but neither this proviso nor clause (B) or (C) of this paragraph shall operate to deny any parent an annuity to the extent and in the amount of the benefit that such parent would have received under the Social Security Act if the service as an employee of the individual, with respect to which such parent would be eligible to receive an annuity under this subchapter except for this proviso and those clauses, were included in 'employment' as defined in the Social Security Act".

Subsec. (d)(4). Pub. L. 98–76, § 104(b), substituted "full-time elementary or secondary school student" for "full-time student" and "elementary or secondary school" for "educational institution", in two places, "nineteen" for "twenty-two", and "diploma or equivalent certificate from a secondary school (as defined in section 202(d)(7)(c)(1) of the Social Security Act)" for "degree from a four-year college or university".

Subsec. (e)(2). Pub. L. 98-76, § 106(f), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "age sixty-five".

Subsec. (e)(4). Pub. L. 98-76, § 106(g), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "age sixty-five" and "age of sixty-five".

Subsec. (h)(1). Pub. L. 98-76, § 414(a), struck out par. (1) relating to a reduction of annuities of individuals whose military service credited under section 231b(i)(2) of this title was used as a basis or partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other Act.

Effective Date of 1983 Amendment

Section 104(d) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231a and 231d of this title] shall be effective with respect to annuities accruing for months after the month in which this Act is enacted [August, 1983] except in the case of a child who has attained the age of eighteen in or before the month in which this Act is enacted and is entitled to an annuity under section 2(d) of the Railroad Retirement Act of 1974 [subsec. (d) of this section] for the month in which this Act is enacted or, if earlier, for the month of April 1983."

Section 106(k) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231a, 231c, and 231d of this title] shall be effective on the date of the enactment of this Act [Aug. 12, 1983], except that such amendment shall not apply to annuity amounts provided under sections 3(b) and 4(b) of the Railroad Retirement Act of 1974 or to increases in such annuity amounts provided under sections 3(g) and 4(d) of such Act if the individual upon whose earning record such annuity amounts are based rendered service as an employee to an employer, or as an employee representative, before the date of the enactment of this Act."

Section 409(b) of Pub. L. 98-76 provided that: "The amendment made by this section [amending subsec. (c)(2) of this section] shall be effective with respect to divorced wife annuities awarded on and after the date of enactment [Aug. 12, 1983]."

Section 413(b) of Pub. L. 98-76 provided that: "The amendment made by this section [amending subsec. (d)(1)(iv) of this section] shall apply with respect to annuities that first begin to accrue with respect to any month beginning after the date of the enactment of this Act [Aug. 12, 1983]."

Section 414(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (h) of this section] shall apply with respect to months beginning after the date of the enactment of this Act [Aug. 12, 1983]."

Section Referred to in Other Sections

This section is referred to in sections 231, 231b to 231g, 231m to 231o, 231r of this title; title 7 section 2012; title 26 sections 72, 3221; title 42 sections 402, 405, 416.

§ 231b. Computation of annuities

(a) Amount

[See main edition for text of (1)]

(2) For purposes of this subsection, individuals entitled to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title shall be deemed to be entitled to a disability insurance benefit under section 223 of the Social Security Act [42 U.S.C. 423].

(3) In lieu of an annuity amount provided under subdivision (1), the annuity of an individual entitled to an annuity under paragraph (ii) of section 231a(a)(1) of this title which begins to accrue before the individual attains age 62 shall be in an amount equal to—

(i) for each month prior to the first month throughout which the individual is age 62, the amount (after any reduction on account of age but before any deductions on account of work) of the old-age insurance benefit to which such individual would have been entitled under the Social Security Act [42 U.S.C. 301 et seq.] as of the date on which such individual's annuity begins to accrue if such individual had attained age 62 on the first day of the month in which his or her annuity begins to accrue and if all of such individual's service as an employee after December 31, 1936, had been included in the term "employment" as defined in that Act, using for purposes of this computation the number of benefit computation years applicable to a person born in the year in which such individual was born; and

(ii) for months beginning with the first month throughout which the individual is age 62, the amount (after any reduction on account of age but before any deductions on account of work) of the old-age insurance benefit to which such individual would have been entitled under the Social Security Act if all of such individual's service as an employee after December 31, 1936, had been included in the term "employment" as defined in that Act.

[See main edition for text of (b) to (e)]

(f) Reductions in annuities

(1) If the total amount of an individual's annuity and supplemental annuity computed under the preceding subsections of this section would, before any reductions on account of age, before any reduction due to such individual's entitlement to a monthly insurance benefit under the Social Security Act [42 U.S.C. 301 et seq.], and disregarding any increases in such total amount which become effective after the date on which such individual's annuity under section 231a(a)(1) of this title begins to accrue, exceed an amount equal to the sum of (A) 100 per centum of his "final average monthly compensation" up to an amount equal to 50 per centum of one-twelfth of the maximum annual taxable "wages" (as defined in section 3121 of the Internal Revenue Code of 1954 [26 U.S.C. 3121]) for the calendar year in which such individual's annuity under section 231a(a)(1) of this title begins to accrue, plus (B) 80 per centum of so much of his "final average monthly compensation" as exceeds 50 per centum of one-twelfth of the maximum annual taxable "wages" (as defined in section 3121 of the Internal Revenue Code of 1954) for the calendar year in which such individual's annuity under section 231a(a)(1) of this title begins to accrue, the supplemental annuity of such individual first, and then, if necessary, the annuity amount of such individual as computed under subsection (b) of this section, shall be reduced until such total amount of such individual's annuity and supplemental annuity equals such sum or until such supplemental annuity and such annuity amount computed under subsection (b) of this

section are reduced to zero, whichever occurs first: *Provided, however,* That the provisions of this subdivision shall not operate to reduce the total amount of an individual's annuity and supplemental annuity computed under the preceding subsections of this section below $1,200. For purposes of this subdivision, the "final average monthly compensation" of an individual shall except as provided in the following sentence be determined by dividing the total compensation received by such individual in the two calendar years, consecutive or otherwise, in which he was credited with the highest total compensation during the ten-year period ending with December 31 of the year in which such individual's annuity under section 231a(a)(1) of this title begins to accrue by 24. If the individual's "average monthly compensation" is determined under subdivision (2) of subsection (b) of this section, the "final average monthly compensation" for such individual shall be the average of the compensation for the 24 months in which the compensation determined for the purpose of subdivision (2) of subsection (b) of this section is the highest. For purposes of this subdivision, the term "compensation" shall include "compensation" as defined in section 231(h) of this title, "wages" as defined in section 209 of the Social Security Act [42 U.S.C. 409], "self-employment income" as defined in section 211(b) of the Social Security Act [42 U.S.C. 411(b)], and wages deemed to have been paid under section 217 or 229 of the Social Security Act [42 U.S.C. 417, 429] on account of military service: *Provided, however,* That in no case shall the compensation with respect to any calendar month exceed the limitation on the compensation for such month prescribed in subsection (j) of this section. Wages and self-employment income included as compensation for purposes of this subdivision shall, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the calendar quarter in which credited, in the case of wages paid before 1978, or in equal proportions with respect to all months in the calendar year in which credited, in the case of self-employment income and in the case of wages paid after 1977.

[*See main edition for text of* (2)]

(3) If for any month in which an annuity accrues and is payable under this subchapter the annuity to which an individual is entitled under this subchapter (or would have been entitled except for a reduction pursuant to a joint and survivor election), together with the annuity, if any, of the spouse and divorced wife of such individual, is less than the total amount, or the additional amount, which would have been payable to all persons for such month under the Social Security Act [42 U.S.C. 301 et seq.] if such individual's service as an employee after December 31, 1936, were included in the term "employment" as defined in that Act, the annuities of the individual and spouse shall be increased proportionately to such total amount, or such additional amount: *Provided, however,* That if an annuity accrues to an individual or a spouse for a part of a month, the amount payable for such part of a month under this subdivision shall be one-thirtieth of the amount payable under this subdivision for an entire month, multiplied by the number of days in such part of a month. For purposes of this subdivision, (i) persons not entitled to an annuity under section 231a of this title shall not be included in the computation under this subdivision except a spouse who could qualify for an annuity under section 231a(c) of this title if the individual from whom the spouse's annuity under this subchapter would derive had attained age 60 or 62, as the case may be, and such individual's children who meet the definition as such contained in section 216(e) of the Social Security Act [42 U.S.C. 416(e)]; (ii) after an annuity has been certified for payment and this subdivision was inapplicable after allowing for any waiting period under section 223(c)(2) of the Social Security Act [42 U.S.C. 423(c)(2)], and after having considered the inclusion of all persons who were then eligible for inclusion in the computation under this subdivision, or was then applicable but later became inapplicable, any recertification in such annuity under this subdivision shall not take into account persons not entitled to an annuity under section 231a of this title except a spouse who could qualify for an annuity under section 231a(c) of this title when she attains age 60 or 62, as the case may be, if the individual from whom the spouse's annuity would derive had attained age 60 or 62, as the case may be, and who was married to such individual at the time he applied for his annuity; and (iii) in computing the amount to be paid under this subdivision the only benefits under title II of the Social Security Act [42 U.S.C. 401 et seq.] which shall be considered shall be those to which the persons included in the computation are entitled.

(g) Increased annuities under subsection (b)

(1) Effective with the date of any increase after January 31, 1984, in monthly insurance benefits under the Social Security Act [42 U.S.C. 301 et seq.] which occurs, or which would have occurred had there not been a general benefit increase under that Act, pursuant to the automatic cost-of-living provisions of section 215(i) of that Act [42 U.S.C. 415(i)], that portion of the annuity of an individual which is computed under subsection (b) of this section shall, if such individual's annuity under section 231a(a)(1) of this title began to accrue on or before the effective date of a particular increase under this subdivision, be increased by 32.5 per centum of the percentage increase in the index which is used, or which would have been used had there not been a general benefit increase under the Social Security Act, in increasing benefits under the Social Security Act pursuant to the automatic cost-of-living provisions of section 215(i) of that Act. Any increase under this subsection shall not be deferred and shall be reflected in all payments made to annuitants after such increase under this subsection becomes effective.

(2) The first and, if necessary, the following time or times after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act [42 U.S.C. 402] are

increased, that portion of the annuity of an individual which is computed under subsection (b) of this section as increased under subdivision (1) of this subsection shall, if such individual's annuity under section 231a(a)(1) of this title began to accrue in or before the year in which such first increase under the Social Security Act [42 U.S.C. 301 et seq.] became effective, be reduced by the dollar amount by which that portion of the annuity provided such individual under subsection (a) of this section was increased, after any reduction under subsection (m) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such individual under subsection (a) of this section, as reduced under subsection (m) of this section, prior to such first increase. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

[*See main edition for text of* (*h*)]

(i) Years of service

[*See main edition for text of* (*1*) *to* (*3*)]

(4) Where for any calendar year after 1984 an individual has performed service for compensation in less than twelve months of the calendar year but has received compensation in excess of an amount determined by multiplying the number of months in the year in which such individual performed service for compensation by an amount equal to one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954 [26 U.S.C. 3121], the individual shall be deemed to have rendered service for compensation in that number of months in the calendar year, but not to exceed twelve, which is equal to the quotient of the amount of such individual's compensation for the calendar year divided by an amount equal to one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954, with any remainder produced by this computation increasing the quotient by one, but an individual shall not be deemed under this subdivision to have rendered service for compensation in any month in which such individual was neither in an employment relation to one or more employers nor an employee representative.

(j) Average monthly compensation

The "average monthly compensation" shall be computed in the manner specified in subsection (b) of this section, except (1) that with respect to service prior to January 1, 1937, the monthly compensation shall be the average compensation paid to an employee with respect to calendar months included in his years of service in the years 1924-1931, and (2) the amount of compensation paid or attributable as paid to him with respect to each month of service before September 1941 as a station employee whose duties consisted of or included the carrying of passengers' hand baggage and otherwise assisting passengers at passenger stations and whose remuneration for service to the employer was, in whole or in substantial part, in the forms of tips, shall be the monthly average of the compensation paid to him as a station employee in his months of service in the period September 1940 through August 1941: *Provided, however,* That where service in the period 1924 through 1931 in the one case, or in the period September 1940 through August 1941 in the other case, is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the amount of compensation paid or attributable as paid to him in each month of service before 1937, or September 1941, respectively, the Board shall determine the amount of such compensation for each such month in such manner as in its judgment shall be fair and equitable. In computing the monthly compensation, no part of any month's compensation in excess of $300 for any month before July 1, 1954, or in excess of $350 for any month after June 30, 1954, and before June 1, 1959, or in excess of $400 for any month after May 31, 1959, and before November 1, 1963, or in excess of $450 for any month after October 31, 1963, and before October 1, 1965, or in excess of (i) $450, or (ii) an amount equal to one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of title 26, whichever is greater, for any month after September 30, 1965, shall be recognized. If for any calendar year after 1984 an employee has received compensation of less than one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954 [26 U.S.C. 3121] in one or more months of the calendar year, the total compensation paid such employee in the calendar year (without regard to the limitation on the amount of compensation provided in the preceding sentence) shall be deemed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in the service of one or more employers for compensation or will have performed service for compensation as an employee representative, but this sentence shall not operate to increase the employee's compensation for any month above an amount equal to one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954. If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service shall be disregarded in computing the average monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity. Where an employee claims credit for months of service rendered within two years prior to his retirement from the service of an employer, with respect to which the employer's return pursuant to section 231h of this title has not been entered on the records of the Board before the employee's annuity could otherwise be certified for payment, the Board may, in its discretion (subject to subsequent adjustment at the request of the employee) include such months in the computation of the annuity without further verification and may consider the compensation for such months to be the average of the compensation for months in the last period for which the employer has filed a return of the compensation of such employee and such return has been entered on the records of the Board.

[*See main edition for text of* (*k*) *to* (*m*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title I, § 101(a), 102(a), 107(a), (b), title IV, §§ 404(1), (2), 405(a), 97 Stat. 411, 413, 418, 434, 435.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1), (3), (f), (g), (h)(1) to (5), (i)(2), and (m), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1983—Subsec. (a)(2). Pub. L. 98-76, § 101(a)(1), amended par. (2) generally, substituting provisions that for the purposes of this subsection, individuals entitled to an annuity under section 231a(a)(1)(iv) or (v) of this title shall be deemed to be entitled to a disability insurance benefit under section 223 of the Social Security Act, for provisions that for purposes of this subsection, individuals entitled to an annuity under paragraph (ii) of section 231a(a)(1) of this title would except for purposes of recomputations in accordance with the provisions of section 215(f) of the Social Security Act, be deemed to have attained age 65, and individuals entitled to an annuity under paragraph (iv) or (v) of such section 231a(a)(1) of this title would be deemed to be entitled to a disability insurance benefit under section 223 of the Social Security Act.

Subsec. (a)(3). Pub. L. 98-76, § 101(a)(2), added par. (3).

Subsec. (f)(1). Pub. L. 98-76, § 404(1), inserted "except as provided in the following sentence" in sentence relating to the determination of the "final average monthly compensation" of an individual.

Pub. L. 98-76, § 404(2), added "If the individual's 'average monthly compensation' is determined under subdivision (2) of subsection (b) of this section, the 'final average monthly compensation' for such individual shall be the average of the compensation for the 24 months in which the compensation determined for the purpose of subdivision (2) of subsection (b) of this section is the highest."

Subsec. (f)(3). Pub. L. 98-76, § 405(a), in the first sentence, inserted "and divorced wife" after "of the spouse", and substituted "the annuities of the individual and spouse" for "such annuity or annuities".

Subsec. (g). Pub. L. 98-76, § 102(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "Effective with the month of June for any year after 1981, that portion of the annuity of an individual which is computed under subsection (b) of this section shall, if such individual's annuity under section 231a(a)(1) of this title began to accrue on or before June 1 of such year, be increased by 32.5 per centum of the percentage increase, if any (rounded to the nearest one-tenth of 1 per centum), obtained by comparing (A) the unadjusted Consumer Price Index for the calendar quarter ending March 31 of such year with (B) the higher of (i) such index for the calendar quarter ending March 31 of the year immediately preceding such year or (ii) such index for the calendar quarter ending March 31 of any preceding year after 1980. The unadjusted Consumer Price Index for any calendar quarter shall be the arithmetical mean of such index for the three months in such quarter."

Subsec. (i)(4). Pub. L. 98-76, § 107(a), added par. (4).

Subsec. (j). Pub. L. 98-76, § 107(b), added provision that if for any calendar year after 1984 an employee has received compensation of less than one-twelfth of, the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954 in one or more months of the calendar year, the total compensation paid such employee in the calendar year (without regard to the limitation on the amount of compensation provided in the preceding sentence) shall be deemed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in the service of one or more employers for compensation or will have performed service for compensation as an employee representative, but this sentence shall not operate to increase the employee's compensation for any month above an amount equal to one-twelfth of the current maximum annual taxable "wages" as defined in section 3121 of the Internal Revenue Code of 1954.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 101(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231b and 231c of this title] shall become effective on July 1, 1984, and shall apply only with respect to awards in cases where the individual's annuity under section 2(a)(1) of the Railroad Retirement Act of 1974 [42 U.S.C. 231a(a)(1)] began to accrue on or after that date and the individual had not completed thirty years of service and attained age 60 prior to that date. In the case of an individual who has completed thirty years of service and has attained age 60 before January 1, 1966, the amount of the reduction on account of age in the annuity amount provided to such individual under section 3(a)(3) of the Railroad Retirement Act of 1974 [subsec. (a)(3) of this section] and the amount of the reduction on account of age in the annuity amount provided to the spouse of such individual under subdivision (3) of section 4(a) of the Railroad Retirement Act of 1974 [42 U.S.C. 231c(a)(3)] shall be only one-half of the amount by which such annuity would be reduced on account of age except for the provisions of this sentence."

Section 102(d) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 231b and 231c of this title] shall be effective on the date of the enactment of this Act [Aug. 12, 1983]. For purposes of the amendments made by subsection (a) of this section [amending subsec. (g) of this section], annuity portions computed under subsections (b) and (d) of section 3 of the Railroad Retirement Act of 1974 [subsecs. (b) and (d) of this section] as in effect before October 1, 1981, shall be treated as having been computed under subsection (b) of such section as in effect after that date."

Section 107(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsecs. (i) and (j) of this section] shall become effective on January 1, 1985."

Section 404(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (f)(1) of this section] shall be effective October 1, 1983, and shall apply with respect to annuities awarded on or after that date."

Section 405(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (f)(3) of this section] shall be effective October 1, 1981."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231, 231a, 231c, 231d, 231e, 231f, 231m, 231n, 231r, 231u of this title; title 2 section 906; title 7 section 2014; title 26 sections 72, 86, 3231, 6050F; title 42 sections 405, 410.

§ 231c. Computation of spouse and survivor annuities

(a) Amount of spouses' annuities; age

[*See main edition for text of* (*1*)]

(2) For purposes of this subsection, if an individual is entitled to an annuity under paragraph (ii) of section 231a(a)(1) of this title which did not begin to accrue before such individual attained age 62, the spouse of such individual entitled to annuity under clause (B) of paragraph (ii) of section 231a(c)(1) of this title shall be deemed to have attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)] [6].

(3) In the case of an individual entitled to an annuity under section 231a(a)(1)(ii) of this title which began to accrue before such individual attained age 62, the annuity of the spouse of such individual under section 231a(c) of this title shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to—

(i) for each month prior to the first month throughout which both the individual and the spouse are age 62, 50 per centum of that portion of the individual's annuity as is, or was prior to such individual's attaining age 62, computed under section 231b(a)(3)(i) of this title, reduced to the same extent such amount would be reduced under section 202(b)(4) of the Social Security Act [42 U.S.C. 402(b)(4)] (in the case of a wife) or under section 202(c)(2) of the Social Security Act (in the case of a husband) as if such amount were a wife's insurance benefit or a husband's insurance benefit, respectively, under such Act [42 U.S.C. 301 et seq.]; and

(ii) for months beginning with the first month throughout which both the individual and the spouse are age 62, the amount (after any reduction on account of age based on the spouse's age at the time the amount under this paragraph first becomes payable but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act if the individual's service as an employee after December 31, 1936, had been included in the term "employment" as defined in that Act.

(4) In the case of an individual entitled to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title, the annuity of the spouse of such individual entitled to an annuity under section 231a(c)(1)(ii)(B) of this title shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to the amount (after any reduction on account of age but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act [42 U.S.C. 301 et seq.] if the individual's service as an employee after December 31, 1936, had been included in the term "employment" as defined in that Act. For purposes of this subdivision, spouses who have not attained age 62 shall be deemed to have attained age 62.

[*See main edition for text of* (b) *and* (c)]

(d) Increases in spouses' annuities in accordance with section 231b(g) of this title

(1) That portion of the annuity of the spouse of an individual as is determined under subsection (b) and (c) of this section shall be increased by the same percentage, or percentages, as the individual's annuity is, or has been, increased pursuant to the provisions of section 231b(g)(1) of this title.

(2) That portion of the annuity of the spouse of an individual as is determined under subsection (b) of this section prior to any determination under subsection (c) of this subsection [7] shall, if the annuity of such spouse is not subject to reduction under subdivision (3) of this subsection, be reduced by an amount equal to 50 per centum of the dollar amount by which the annuity of the individual was reduced under section 231b(g)(2) of this title. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

(3) The first and, if necessary, the following time or times after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act [42 U.S.C. 402] are increased, that portion of the annuity of the spouse of an individual as is determined under subsections (b), (c), and (d)(1) of this section shall, if such spouse's annuity under section 231a(c) of this title began to accrue in or before the year in which such first increase under the Social Security Act [42 U.S.C. 301 et seq.] became effective, be reduced by the dollar amount by which that portion of the annuity provided such spouse under subsection (a) of this section was increased, after any reduction under subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such spouse under subsection (a) of this section, as reduced under subsection (i) of this section, prior to such first increase. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

[*See main edition for text of* (e) *and* (*f*)]

(g) Increases in survivor's annuities in accordance with subsection (*f*)

(1) The amount of the annuity provided under subsection (*f*)(1) of this section (other than the last sentence thereof) for a survivor of a deceased individual shall be increased by an amount equal to the appropriate one of the following percentages of that portion of the annuity computed under section 231b(b) of this title, before any reduction on account of age and without regard to any reduction under section

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[6] So in original. Probably should be followed by a closing parenthesis.

[7] So in original. Probably should be "section".

231b(g)(2) of this title, to which such deceased individual would have been entitled for the month such survivor's annuity under section 231a(d) of this title began to accrue if such individual were living (deeming for this purpose that if such individual died before becoming entitled to an annuity under section 231a(a)(1) of this title, such individual became entitled to an annuity under subdivision (i) of such section 231a(a)(1) of this title in the month in which such individual died):

[*See main edition for text of* (*i*) *to* (*iii*), (*2*) *and* (*3*)]

(4) If a widow or widower of a deceased employee is entitled to an annuity under section 231(a)(1) of this title and if either such widow or widower or such deceased employee will have completed 10 years of service prior to January 1, 1975, the amount of the annuity of such widow or widower under subdivisions (1) through (3) of this subsection shall be increased by an amount equal to the amount, if any, by which (A) the widow's or widower's insurance annuity to which such widow or widower would have been entitled, upon attaining age 65, under section 5(a) of the Railroad Retirement Act of 1937 [45 U.S.C. 228e(a)] as in effect on December 31, 1974 (without regard to the proviso of that section or the first proviso of section 3(e) of that Act [45 U.S.C. 228c(e)] on the basis of the deceased employee's remuneration and service prior to January 1, 1975, increased by the same percentage, or percentages, as widow's and widower's insurance benefits under section 202 of the Social Security Act [42 U.S.C. 402] are increased during the period from January 1, 1975, to the later of the date on which such widow's or widower's annuity under section 231a(a)(1) of this title began to accrue or the date on which such widow's or widower's annuity under section 231a(d)(1) of this title began to accrue, exceeds (B) the total of the annuity amounts to which such widow or widower was entitled (after any reductions pursuant to subsection (i)(2) of this section but before any deductions on account of work) under the preceding provisions of this subsection, subsection (f) of this section, and the amount determined under subsection (h) of this section, before the proviso, as of the later of the date on which such widow's or widower's annuity under section 231a(a)(1) of this title began to accrue or the date on which such widow's or widower's annuity under section 231a(d)(1) of this title began to accrue. If a widow or widower of a deceased employee is not entitled to an annuity under section 231a(a)(1) of this title or to an old-age insurance benefit or a disability insurance benefit under the Social Security Act [42 U.S.C. 301 et seq.], the amount of the annuity to which such widow or widower is entitled under this subsection shall not be less than an amount which would cause the total of the annuity amounts to which such widow or widower is entitled (before any deductions on account of work) under this subsection and subsection (f)(1) of this section to equal the total of the annuity amounts to which such widow or widower was entitled (or would have been entitled except for the provisions of sections 231a(e) and 231a(f) of this title) as a spouse under subsections (a), (b), and (e) of this section (after any reduction on account of age) in the month preceding the employee's death. If a widow or widower of a deceased employee is entitled to an annuity under section 231a(a)(1) of this title or to an old-age insurance benefit or a disability insurance benefit under the Social Security Act, the amount of the annuity to which such widow or widower is entitled under this subsection shall not be less than an amount which would cause (A) the total of the annuity amounts to which such widow or widower is entitled (after any reductions pursuant to section 202(k) or 202(q) of the Social Security Act or subsection (i)(2) of this section but before any deductions on account of work) under this subsection and subsection (f) of this section to equal (B)(i) the total of the annuity amounts, if any, to which such widow or widower was entitled (or would have been entitled except for the provisions of sections 231a(e) and 231a(f) of this title) as a spouse under subsections (a), (b), and (e) of this section (after any reduction on account of age) in the month preceding the employee's death less (ii), if such widow or widower is entitled to an old-age insurance benefit or a disability insurance benefit under the Social Security Act but was not entitled to such a benefit in the month preceding the employee's death, the amount by which the annuity amount payable under subsection (a) of this section to such widow or widower's as a spouse in the month preceding the employee's death would have been reduced by reason of section 202(k) or 202(q) of the Social Security Act if such widow or widower had been entitled to an old-age insurance benefit or a disability insurance benefit under the Social Security Act in the month preceding the employee's death in an amount equal to the amount of such benefit at the time such benefit first began to accrue to such widow or widower.

[*See main edition for text of* (*5*)]

(6) That portion of the annuity of a survivor of an individual determined under subdivisions (1) and (2) of this subsection shall be increased whenever, and by the same percentage or percentages as, the annuity of the individual would have been increased pursuant to section 231b(g)(1) of this title if such individual were still living.

(7) The first and, if necessary, the following time or times after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act [42 U.S.C. 402] are increased, that portion of the annuity of a survivor of a deceased individual as is determined under subdivisions (1) and (2) of this subsection, or under this subsection as in effect before amendment by section 1119(g) of Public Law 97-35, shall, if such survivor's annuity under section 231a(d) of this title began to accrue before the effective date of such first increase under the Social Security Act [42 U.S.C. 301 et seq.], be reduced by the dollar amount by which that portion of the annuity provided such survivor under subsection (f) of this section was increased, after any reduction under

subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such survivor under subsection (f) of this section, as reduced under subsection (i) of this section, prior to such first increase. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

(8) That portion of the annuity of a survivor of a deceased individual as is determined under subdivisions (1) and (2) of this subsection shall, if the annuity of such survivor is not subject to reduction under subdivision (7) of this subsection, be reduced by an amount equal to the dollar amount by which the annuity of the deceased individual was reduced under section 231b(g)(2) of this title or would have been reduced under such section 231b(g)(2) of this title if such deceased individual had been living at the time such survivor's annuity under section 231a(d) of this title began to accrue (deeming for this purpose, if such individual died before becoming entitled to an annuity under section 231a(a)(1) of this title, that such individual became entitled to an annuity under paragraph (i) of such section 231a(a)(1) of this title in the month in which such individual died). In a case where the survivor of a deceased individual is not entitled to a monthly insurance benefit under the Social Security Act [42 U.S.C. 301 et seq.], the reduction provided by the preceding sentence of this subdivision shall be equal to the dollar amount by which the annuity of the deceased individual would have been reduced under section 231b(g)(2) of this title if the annuity of such deceased individual had not been subject to reduction under section 231b(m) of this title. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

(9) That portion of the annuity of a survivor of a deceased individual as is determined under this subsection as in effect before amendment by section 1119(g) of Public Law 97-35 shall, if the annuity of such survivor is not subject to reduction under subdivision (7) of this subsection, be reduced by an amount equal to the dollar amount by which the annuity of the deceased individual was reduced under section 231b(g)(2) of this title or, if such survivor is not entitled to a monthly insurance benefit under the Social Security Act [42 U.S.C. 301 et seq.], would have been reduced under such section 231b(g)(2) of this title if the annuity of such deceased individual had not been subject to reduction under section 231b(m) of this title. In no case shall the reduction by reason of this paragraph operate to reduce such portion to an amount less than $10.

[*See main edition for text of* (*h*)]

(i) Reductions in survivors' annuities

[*See main edition for text of* (*1*) *and* (*2*)]

(3) The annuity of any survivor under subsection (f) of this section shall be reduced, but not below zero, by the amount of any insurance benefit (before any deduction on account of work) payable to such survivor under title II of the Social Security Act [42 U.S.C. 401 et seq.], unless in computing the amount under subsection (f) of this section a reduction was made for such insurance benefit pursuant to section 202(k) of the Social Security Act [42 U.S.C. 402(k)].

(As amended Aug. 12, 1983, Pub. L. 98-76, title I, §§ 101(b), 102(b), (c), 106(h), title IV, §§ 406(a), 407(a), 97 Stat. 411, 413, 414, 418, 435.)

References in Text

The Social Security Act, referred to in subsecs. (a)(1), (3), (4), (c), (d)(3), (e)(1), (2), (4), (f)(1), (2)(ii), (g)(4), (7) to (9), (h)(1), and (i)(1), (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 1119(g) of Public Law 97-35, referred to in subsec. (g)(7), (9), amended subsec. (g) of this section generally. See 1981 Amendment note below.

Amendments

1983—Subsec. (a)(2). Pub. L. 98-76, § 106(h), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act" for "age 65".

Pub. L. 98-76, § 101(b)(1), substituted "if an individual is entitled to an annuity under paragraph (ii) of section 231a(a)(1) of this title which did not begin to accrue before such individual attained age 62, the spouse of such individual" for "spouses".

Subsec. (a)(3), (4). Pub. L. 98-76, § 101(b)(2), added pars. (3) and (4).

Subsec. (d). Pub. L. 98-76, § 102(b), designated existing provisions as par. (1) and in par. (1) as so designated substituted "231b(g)(1)" for "231b(g)", and added pars. (2) and (3).

Subsec. (g)(1). Pub. L. 98-76, § 102(c)(1), inserted "and without regard to any reduction under section 231b(g)(2) of this title".

Subsec. (g)(4). Pub. L. 98-76, § 406(a), substituted "subsections (a), (b), and (e)" for "subsections (a), (b), and (e)(3)".

Subsec. (g)(6). Pub. L. 98-76, § 102(c)(2), substituted "231b(g)(1)" for "231b(g)".

Subsec. (g)(7) to (9). Pub. L. 98-76, § 102(c)(3), added pars. (7) to (9).

Subsec. (i)(3). Pub. L. 98-76, § 407(a), added par. (3).

Effective Date of 1983 Amendment

Amendment by section 101 of Pub. L. 98-76 effective July 1, 1984, and applicable only with respect to awards in certain specified cases, see section 101(c) of Pub. L. 98-76, set out as a note under section 231b of this title.

Amendment by section 102 of Pub. L. 98-76 effective Aug. 12, 1983, see section 102(d) of Pub. L. 98-76, set out as a note under section 231b of this title.

Amendment by section 106 of Pub. L. 98-76 effective Aug. 12, 1983, except such amendment inapplicable to certain annuity amounts, see section 106(k) of Pub. L. 98-76, set out as a note under section 231a of this title.

Section 406(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (g)(4) of this section] shall be effective October 1, 1981."

Section 407(b) of Pub. L. 98-76 provided that: "The amendment made by this section [enacting subsec. (i)(3) of this section] shall be effective with respect to annuities awarded on and after the date of enactment [Aug. 12, 1983]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231, 231a, 231b, 231d, 231e, 231f, 231m, 231n, 231r, 231u of this title; title 2 section 905; title 26 sections 72, 86.

§ 231d. Annuity beginning and ending dates

(a) Annuities under section 231a of this title

Subject to the limitations set forth below, an annuity under section 231a of this title shall begin with the month in which eligibility therefor was otherwise acquired, but—

(i) not earlier than the date specified in the application therefor;

(ii) in the case of an applicant otherwise entitled to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title or under section 231a(d)(1)(i) of this title on the basis of disability, not earlier than the later of (A) the first day of the sixth month following the onset date of the disability for which such annuity is awarded or (B) the first day of the twelfth month before the month in which the application therefor was filed;

(iii) in the case of an applicant otherwise entitled to an annuity under section 231a(a)(1), 231a(c), or 231a(d) of this title where paragraph (ii) does not apply, not earlier than the latest of (A) the first day of the sixth month before the month in which the application therefor was filed, (B) the first day of the month in which the application therefor was filed if the effect of beginning such annuity in an earlier month would result in a greater age reduction in the annuity, unless beginning the annuity in the earlier month would enable an annuity under section 231a(c) of this title which is not subject to an age reduction to be payable in such earlier month, (C) in the case of an applicant otherwise entitled to an annuity under section 231a(a)(1) or 231a(c) of this title, the date following the last day of compensated service of the applicant, or (D) in the case of an applicant otherwise entitled to an annuity under section 231a(a)(1) or 231a(c) of this title, the first day of the first month throughout which the applicant meets the age requirement for the annuity applied for;

[*See main edition for text of* (*iv*) *to vii*)]

For the purpose of determining annuity amounts provided under sections 231b(a), 231c(a), and 231c(f) of this title, the provisions with respect to the beginning dates of annuities set forth in this subsection shall be deemed to govern the beginning dates of monthly benefits provided under the Social Security Act [42 U.S.C. 301 et seq.].

(b) Applications for payment

An application for any payment under this subchapter shall be made and filed in such manner and form as the Board may prescribe. An application filed with the Board for an annuity under this subchapter shall, unless the applicant specifies otherwise, be deemed to be an application for any benefit to which such applicant may be entitled under this subchapter or title II of the Social Security Act [42 U.S.C. 401 et seq.]. An individual who was entitled to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title for the month preceding the month in which he attained retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]), shall be deemed to have filed an application for an annuity under paragraph (i) of section 231a(a)(1) of this title on the date on which he attained retirement age (as defined in section 216(*l*) of the Social Security Act), and a widow or widower who was entitled to an annuity under section 231a(d)(1) of this title on the basis of disability for the month preceding the month in which she or he attained age 60, shall be deemed to have filed an application for an annuity under such section 231a(d)(1) of this title on the basis of age on the date on which she or he attained age 60.

(c) Individual's entitlement

[*See main edition for text of* (*1*)]

(2) An individual's entitlement to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title shall end on (A) the last day of the second month following the month in which he ceases to be disabled as provided for purposes of such paragraphs, (B) the last day of the month preceding the month in which he attains retirement age (as defined in section 216(*l*) of the Social Security Act [42 U.S.C. 416(*l*)]) or (C) the last day of the month preceding the month in which he dies, whichever first occurs.

[*See main edition for text of* (*3*) *to* (*6*)]

(7) The entitlement of a child of a deceased employee to an annuity under paragraph (iii) of section 231a(d)(1) of this title shall end on (A) the last day of the month preceding the month in which he or she dies, (B) the last day of the month preceding the month in which he or she marries, (C) the last day of the month preceding the month in which he or she attains age 18 and does not meet the qualifications set forth in clause (B) or (C) of such paragraph (iii), (D) the last day of the month preceding (i) the month during no part of which he or she is a full-time elementary or secondary school student or (ii) the month in which he or she attains age 19, and does not meet the qualifications set forth in clause (A) or (C) of such paragraph (iii), or (E) the last day of the second month following the month in which he or she ceases to be disabled for purposes of such paragraph (iii) and does not meet the qualifications set forth in clause (A) or (B) of such paragraph (iii), whichever first occurs. A child whose entitlement to an annuity under paragraph (iii) of section 231a(d)(1) of this title terminated by reason of clause (E) of this subdivision because he or she ceased to be disabled and who again becomes disabled as provided in clause (C) of such paragraph (iii), may become reentitled to an annuity on the basis of such disability upon his or her application for such reentitlement. A child whose entitlement to an annuity under paragraph (iii) of section 231a(d)(1) of this title terminated with the month preceding the month in which he or she attained age 18, or

with a subsequent month, may again become entitled to such an annuity (providing no event to disqualify the child has occurred) beginning with the first month thereafter in which he or she meets the qualifications set forth in clause (B) or (C) of such paragraph (iii), if he or she has filed an application for such reentitlement.

[*See main edition for text of* (*8*) *and* (*9*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title I, §§ 103(a), 104(c), 106(i), (j), 97 Stat. 415, 416, 418.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a) and (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-76, § 103(a)(1), substituted "Subject to the limitations set forth below, an annuity" for "An annuity" in provisions preceding cl. (i).

Pub. L. 98-76, § 103(a)(3), added provision following cl. (vii) that for the purpose of determining annuity amounts provided under sections 231b(a), 231c(a), and 231c(f) of this title, the provisions with respect to the beginning dates of annuities set forth in this subsection shall be deemed to govern the beginning dates of monthly benefits provided under the Social Security Act.

Subsec. (a)(ii). Pub. L. 98-76, § 103(a)(2), amended cl. (ii) generally, substituting "in the case of an applicant otherwise entitled to an annuity under paragraph (iv) or (v) of section 231a(a)(1) of this title or under section 231a(d)(1)(i) of this title on the basis of disability, not earlier than the later of (A) the first day of the sixth month following the onset date of the disability for which such annuity is awarded or (B) the first day of the twelfth month before the month in which the application therefor was filed" for "not earlier than the first day of the twelfth month before the month in which the application therefor was filed".

Subsec. (a)(iii). Pub. L. 98-76, § 103(a)(2), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: "in the case of an applicant otherwise eligible for an annuity under section 231a(a)(1) or 231a(c) of this title not earlier than the date following the last day of compensated service of the applicant; and".

Subsec. (b). Pub. L. 98-76, § 106(i), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "the age of 65" and "age 65".

Subsec. (c)(2). Pub. L. 98-76, § 106(j), substituted "retirement age (as defined in section 216(*l*) of the Social Security Act)" for "age 65".

Subsec. (c)(7)(D)(i). Pub. L. 98-76, § 104(c)(1), substituted "full-time elementary or secondary school student" for "full-time student".

Subsec. (c)(7)(D)(ii). Pub. L. 98-76, § 104(c)(2), substituted "19" for "22".

EFFECTIVE DATE OF 1983 AMENDMENT

Section 103(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (a) of this section] shall become effective on the first day of the first month beginning after the date of the enactment of this Act [Aug. 12, 1983], and shall apply only with respect to annuities awarded on the basis of applications filed on or after that day."

Amendment by section 104 of Pub. L. 98-76 effective with respect to annuities accruing for months after Aug. 1983, with certain exceptions, see section 104(d) of Pub. L. 98-76, set out as a note under section 231a of this title.

Amendment by section 106 of Pub. L. 98-76 effective Aug. 12, 1983, except such amendment inapplicable to certain annuity amounts, see section 106(k) of Pub. L. 98-76, set out as a note under section 231a of this title.

§ 231e. Lump sum payments

[*See main edition for text of* (*a*)]

(b) Payments in accordance with the Railroad Retirement Act of 1937 and the Social Security Act

(1) Upon the death of an individual who will have completed ten years of service prior to January 1, 1975, and will have had a current connection with the railroad industry at the time of his death, a lump-sum payment shall be made in accordance with the provisions of section 5(f)(1) of the Railroad Retirement Act of 1937 [45 U.S.C. 228e(f)(1)] as in effect on December 31, 1974, in an amount, if any, which would have been payable under such section on the basis of (A) the individual's compensation after December 31, 1936, and prior to January 1, 1975, and (B) the individual's wages (as defined in section 209 of the Social Security Act [42 U.S.C. 409]) prior to January 1, 1975. Any lump sum payable under this subdivision shall be in an amount computed as if the individual had died on January 1, 1975. No lump sum shall be payable under this subdivision if the employee died leaving a surviving divorced wife who would on proper application therefore be entitled to receive an annuity under section 231a(d) of this title for the month in which the employee's death occurred.

[*See main edition for text of* (*2*); (*c*) *and* (*d*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, § 408, 97 Stat. 435.)

AMENDMENTS

1983—Subsec. (b)(1). Pub. L. 98-76 added provision that no lump sum shall be payable under this subdivision if the employee died leaving a surviving divorced wife who would on proper application therefore be entitled to receive an annuity under section 231a(d) of this title for the month in which the employee's death occurred.

§ 231f. Railroad Retirement Board

[*See main edition for text of* (*a*) *and* (*b*)]

(c) Sources of payments; adjustments

[*See main edition for text of* (*1*) *to* (*3*)]

(4) After the end of each month beginning with the month of October 1983, the Board shall determine the net amount, if any, which if added to or subtracted from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund would, with respect to such month, place those Trust Funds, taken as a whole, in the same position in which they would have been if (A) service as an employee after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act [42 U.S.C. 301 et seq.] and in the Federal Insurance Con-

tributions Act [26 U.S.C. 3101 et seq.], and (B) this subchapter had not been enacted. If for any month the net amount so determined would be subtracted from those Trust Funds, the Board shall, within ten days after the end of such month, report such amount to the Secretary of the Treasury for transfer from the general fund to the Railroad Retirement Account. Any amount so reported shall further include interest (at an annual rate equal to the rate of interest borne by a special obligation issued to the Railroad Retirement Account in the month in which the transfer is made to the Account) payable from the close of the month for which the transfer is made until the date of transfer. The Secretary of the Treasury is authorized and directed to transfer to the Railroad Retirement Account from the general fund such amounts as, from time to time, may be determined by the Board pursuant to the provisions of this subdivision and reported by the Board for transfer. For such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued after August 12, 1983, under section 3102 of title 31, and the purpose for which securities may be issued under section 3102 of title 31 are extended to include such purpose. Each such transfer shall be made by the Secretary of the Treasury within five days after a report of the amount to be transferred is received. Not later than December 31 following the close of each fiscal year beginning with the fiscal year ending September 30, 1984, the Board shall certify to the Secretary of the Treasury the total of all amounts transferred pursuant to the provisions of this subdivision for months in such fiscal year. Within ten days after a transfer, or transfers, pursuant to subdivision (2) for a particular fiscal year, the Board shall request the Secretary of the Treasury to retransfer from the Railroad Retirement Account to the general fund an amount equal to (A) the total of all amounts, exclusive of interest, transferred to such Account pursuant to the provisions of this subdivision for months in such fiscal year, plus (B) interest (at the rate determined in subdivision (3) for such fiscal year) payable with respect to each amount transferred for a month during such fiscal year from the close of the month for which the transfer of the amount was made until the date of retransfer of such amount. The Secretary of the Treasury is authorized and directed to retransfer from the Railroad Retirement Account to the general fund such amounts as, from time to time, may be determined by the Board pursuant to the provisions of the preceding sentence of this subdivision and reported by the Board for retransfer.

(d) Hospital insurance benefits; certified beneficiaries; disability insurance benefits; services in Canada; exchange of information

[*See main edition for text of* (*1*) *to* (*3*)]

(4) The rights of individuals described in subdivision (2) of this subsection to have payment made on their behalf for the services referred to in subdivision (1) but provided in Canada shall be the same as those of individuals to whom section 226 [42 U.S.C. 426] and part A of title XVIII [42 U.S.C. 1395c et seq.] of the Social Security Act apply, and this subdivision shall be administered by the Board as if the provisions of section 226 and part A of title XVIII of the Social Security Act were applicable, as if references to the Secretary of Health and Human Services were to the Board, as if references to the Federal Hospital Insurance Trust Fund were to the Railroad Retirement Account, as if references to the United States or a State included Canada or a subdivision thereof, and as if the provisions of sections 1862(a)(4), 1863, 1864, 1868, 1869, 1874(b), and 1875 [42 U.S.C. 1395y(a)(4), 1395z, 1395aa, 1395ee, 1395ff, 1395kk(b), 1395*ll*] were not included in such title. The payments for services herein provided for in Canada shall be made from the Railroad Retirement Account (in accordance with, and subject to, the conditions applicable under subsection (b) of this section, in making payment of other benefits) to the hospital, extended care facility, or home health agency providing such services in Canada to individuals to whom subdivision (2) of this subsection applies, but only to the extent that the amount of payments for services otherwise hereunder provided for an individual exceeds the amount payable for like services provided pursuant to the law in effect in the place in Canada where such services are furnished. For the purposes of section 231i of this title, any overpayment under this subdivision shall be treated as if it were an overpayment of an annuity.

[*See main edition for text of* (*5*); (*e*)]

(f) Congressional copies of documents submitted or transmitted to President or Office of Management and Budget

Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for congressional hearings, or comment on legislation to the President or to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(As amended Aug. 12, 1983, Pub. L. 98-76, title III, § 301(a), title IV, § 416, 97 Stat. 430, 436; July 18, 1984, Pub. L. 98-369, div. B, title III, § 2349(b)(2), 98 Stat. 1097.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (b)(2), (7), (c)(2), (4), and (d)(1), (3) to (5), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42. Parts A and C of title XVIII of the Social Security Act are classified generally to Parts A (§ 1395c et seq.) and C (1395x et seq.), respectively, of subchapter XVIII of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Federal Insurance Contributions Act, referred to in subsec. (c)(2), (4), is act Aug. 16, 1954, ch. 736, §§ 3101, 3102, 3111, 3112, 3121 to 3126, 68A Stat. 415, which is classified generally to chapter 21 (§ 3101 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3126 of Title 26 and Tables.

Codification

August 12, 1983, referred to in subsec. (c)(4), was in the original "the date of enactment of this Act" which was translated as meaning the date of enactment of Pub. L. 98-76, which enacted subsec. (c)(4) of this section, to reflect the probable intent of Congress.

Amendments

1984—Subsec. (d)(4). Pub. L. 98-369 struck out "1867," after "1864,".

1983—Subsec. (c)(4). Pub. L. 98-76, § 301(a), added par. (4).

Subsec. (f). Pub. L. 98-76, § 416, added subsec. (f).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-369 effective July 18, 1984, see section 2349(c) of Pub. L. 98-369, set out as a note under section 907a of Title 42, The Public Health and Welfare.

Effective Date of 1983 Amendment

Section 301(c)(1) of Pub. L. 98-76 provided that: "The amendment made by subsection (a) of this section [amending subsec. (c) of this section] shall be effective on October 1, 1983."

Section Referred to in Other Sections

This section is referred to in sections 231b, 231e, 231i, 231*l*, 231n, 231n-1, 352, 362 of this title; title 42 sections 405, 426, 1395u.

§ 231f-1. Annual actuarial report

On or before July 1 of 1985, and of each calendar year thereafter, the Railroad Retirement Board shall submit to the Congress a report on the actuarial status of the railroad retirement system under various economic and employment assumptions. Such report shall include any recommendation for financing changes which might be advisable, including—

(1) any adjustment the Railroad Retirement Board recommends regarding the rates of taxes imposed by sections 3201(b), 3211(a)(2), and 3221(b) of the Internal Revenue Code of 1954 [26 U.S.C. 3201(b), 3211(a)(2), 3221(b)], and

(2) if there are sufficient reserves in the Railroad Retirement Account, whether—

(A) the rates of such taxes should be reduced, or

(B) any part of the tax imposed by section 3221(b) of such Code should be diverted to the Railroad Unemployment Insurance Account to aid in the repayment of its debt to the Railroad Retirement Account.

(Pub. L. 98-76, title V, § 502, Aug. 12, 1983, 97 Stat. 440.)

Codification

Section was enacted as part of the Railroad Retirement Solvency Act of 1983, and not as part of the Railroad Retirement Act of 1974 which comprises this subchapter.

§ 231m. Assignability; exemption from levy

(a) Except as provided in subsection (b) of this section and the Internal Revenue Code of 1954 [26 U.S.C. 1 et seq.], notwithstanding any other law of the United States, or of any State, territory, or the District of Columbia, no annuity or supplemental annuity shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated [12]

(b)(1) This section shall not operate to exclude the amount of any supplemental annuity paid to an individual under section 231a(b) of this title from income taxable pursuant to the Federal income tax provisions of the Internal Revenue Code of 1954 [26 U.S.C. 1 et seq.].

(2) This section shall not operate to prohibit the characterization or treatment of that portion of an annuity under this subchapter which is not computed under section 231b(a), 231c(a), or 231c(f) of this title, or any portion of a supplemental annuity under this subchapter, as community property for the purposes of, or property subject to, distribution in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree. The Board shall make payments of such portions in accordance with any such characterization or treatment or any such decree or settlement.

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, § 419(a), 97 Stat. 438.)

Amendments

1983—Subsec. (a). Pub. L. 98-76, § 419(a)(1), substituted "(a) Except as provided in subsection (b) of this section and the Internal Revenue Code of 1954, notwithstanding" for "Notwithstanding".

Subsec. (b)(1). Pub. L. 98-76, § 419(a)(2), substituted "(b)(1) This" for ": *Provided, however,* That the provisions of this".

Subsec. (b)(2). Pub. L. 98-76, § 419(a)(3), added par. (2).

Effective Date of 1983 Amendment

Section 419(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending this section] shall apply with respect to annuity amounts payable for months beginning after the date of the enactment of this Act [Aug. 12, 1983]."

§ 231n. Railroad Retirement Account

[*See main edition for text of* (*a*)]

(b) Authorization of appropriations; military service costs and administrative expenses

In addition to the amount appropriated in subsection (a) of this section, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1975, such amount as the Board determines to be necessary to meet (A) the additional costs, resulting from the crediting of military service under this subchapter, of benefits payable under section 231a of this title, but only to the extent that such Account is not reimbursed for such costs under section 231f(c)(2) of this title, (B) the additional administrative expenses resulting from the crediting of military service under this subchapter, and (C) any loss in interest to such Account resulting from the payment of additional benefits based on military service credited under this subchapter: *Provided, however,* That, in determining the amount to be appropriated to the Railroad Retirement Account for any fiscal year pursuant to the provisions of this subsection, there shall not be considered any costs resulting from the crediting of military service under this subchapter for which appropriations to such Account have already been made pursuant to section 4(*l*) of the Railroad Retirement Act of 1937 [45 U.S.C. 228c-1(*l*)]. Any determination as to loss in interest to the Railroad Retirement Account pursuant to clause (C) of the first sentence of this subsection shall take into account interest from the date each annuity based, in part, on military service began to accrue or was increased to the date or dates on which the amount appropriated is credited to the Account. The cost resulting from the payment of additional benefits under this subchapter based on military service determined pursuant to the preceding provisions of this subsection shall be adjusted by applying thereto the ratio of the total net level cost of all benefits under this subchapter to the portion of such net level cost remaining after the exclusion of administrative expenses and interest charges on the unfunded accrued liability as determined under the last completed actuarial valuation pursuant to the provisions of subsection (g) of this section. At the close of the fiscal year ending June 30, 1975, and each fiscal year thereafter, the Board shall, as promptly as practicable, determine the amount to be appropriated to the Account pursuant to the provisions of this subsection, and shall certify such amount to the Secretary of the Treasury for transfer from the general fund in the Treasury to the Railroad Retirement Account. When authorized by an appropriation Act, the Secretary of the Treasury shall transfer to the Railroad Retirement Account from the general fund in the Treasury such amounts as, from time to time, may be determined by the Board pursuant to the provisions of this subsection and certified by the Board for transfer to such Account. In any determination made pursuant to section 231f(c)(2) of this title, no further charges shall be made against the Trust Funds established by title II of the Social Security Act [42 U.S.C. 401 et seq.] for military service rendered before January 1, 1957, and with respect to which appropriations authorized by clause (2) of the first sentence of section 4(*l*) of the Railroad Retirement Act of 1937 shall have been credited to the Railroad Retirement Account, but the additional benefit payments incurred by such Trust Funds by reason of such military service shall be taken in account in making any such determination.

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[12] So in original. Probably should be followed by a period.

[*See main edition for text of* (c)]

(d) Dual Benefits Payments Account

(1) There is hereby created an account in the Treasury of the United States to be known as the Dual Benefits Payments Account. There is hereby authorized to be appropriated to such account for each fiscal year beginning with the fiscal year ending September 30, 1982, such sums as are necessary to pay during such fiscal year the amounts of annuities estimated by the Board to be paid under sections 231b(h), 231c(e), and 231c(h) of this title and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445. Not more than 30 days prior to each fiscal year beginning with the fiscal year ending September 30, 1982, the Board may request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Dual Benefits Payments Account any amount not exceeding the amount that the Board estimates will be necessary to pay on the first day of the next succeeding month the annuity amounts under sections 231b(h), 231c(e), and 231c(h) of this title and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445, taking into account any reduction in such annuity amounts as determined under section 231f(c)(1) of this title, and the Secretary of the Treasury shall make such transfer, but at no time shall the total amount of money outstanding to the Dual Benefits Payments Account from the Railroad Retirement Account exceed the amount necessary to pay the annuity amounts under sections 231b(h), 231c(e), and 231c(h) of this title and sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445 for one month. Not more than 10 days after the funds appropriated to the Dual Benefits Payments Account for each such fiscal year are received into such Account, the Board shall request the Secretary of the Treasury to retransfer from the Dual Benefits Payments Account to the credit of the Railroad Retirement Account an amount equal to the amount transferred to the Dual Benefits Payments Account prior to or during such fiscal year under the preceding sentence, together with such additional amount determined by the Board to be equal to the loss of interest to the Railroad Retirement Account resulting from such transfer, and the Secretary of the Treasury shall make such retransfer.

(2) The Secretary of the Treasury—

(i) shall transfer from the general fund as a loan to the Board on January 1, 1984, one-third of the special amount described in subdivision (3) of this subsection;

(ii) shall transfer from the general fund as a loan to the Board on January 1, 1985, one-third of the special amount described in subdivision (3) of this subsection, plus an amount equal to the interest that one-third would have earned had it been in the Railroad Retirement Account since January 1, 1984; and

(iii) shall transfer from the general fund as a loan to the Board on January 1, 1986, the final one-third of the special amount described in subdivision (3) of this subsection, plus an amount equal to the interest that one-third would have earned had it been in the Railroad Retirement Account since January 1, 1984.

(3) The special amount referred to in subdivision (2) of this subsection is the amount which, as of January 1, 1984, would place the Railroad Retirement Account in the same position it would have been on that date if no annuity amounts had been paid during the period beginning January 1, 1975 and ending September 30, 1981, under sections 231b(h), 231c(e), and 231c(h) of this title and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445, and no sums had been appropriated as authorized in this subsection.

(4) For the purposes of subdivision (2) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued after August 12, 1983, under section 3102 of title 31 and the purposes for which securities may be so issued are extended to include such purposes.

(5) The amounts transferred to the Board as loans under subdivision (2) of this subsection shall be deposited in the Railroad Retirement Account.

(6) The amounts transferred as loans under subdivision (2) of this subsection shall be repaid to the general fund to the extent sums are appropriated for that purpose, and there are hereby authorized to be appropriated, in addition to any other sums authorized to be appropriated for the purposes of this subchapter and from any sums in the Treasury not otherwise appropriated, such sums as may be necessary to make such repayments.

[*See main edition for text of* (*e*) *to* (*h*)]

(i) Crediting of accounts for unnegotiated benefit checks

(1) The Secretary of the Treasury shall implement procedures to permit the identification of each check issued for benefits under this subchapter that has not been presented for payment by the close of the sixth month following the month of its issuance.

(2) The Secretary of the Treasury shall, on a monthly basis, credit each account established in the Treasury for the payment of benefits under this subchapter for the proportionate amount of benefit checks (including interest thereon) drawn on each such Account more than six months previously but not presented for payment and not previously credited to such Account, to the extent provided in advance in appropriation Acts.

(3) If a benefit check is presented for payment to the Treasury and the amount of the appropriate portion thereof has been previously credited pursuant to paragraph (2) to an Account or Accounts, the Secretary of the Treasury shall nevertheless pay such check, if otherwise proper, recharge such Account or Accounts for the amount of such check attributable to such Account or Accounts and notify the Board.

(4) A benefit check bearing a current date may be issued to an individual who did not negotiate the original benefit check and who surrenders such check for cancellation if the Secretary of the Treasury determines it is necessary to effect proper payment of benefits.

(As amended Aug. 12, 1983, Pub. L. 98-76, title III, § 301(b), title IV, §§ 401(a), 417(a), 97 Stat. 431, 433, 437.)

REFERENCES IN TEXT

Section 205 of title II of this Act and sections 204, 206, and 207 of Pub. L. 93-445, referred to in subsecs. (a) and (d)(1), (3), are sections 204, 205, 206, and 207 of title II of Pub. L. 93-445, and are set out as part of a Transitional Provisions note under section 231 of this title.

AMENDMENTS

1983—Subsec. (b). Pub. L. 98-76, § 301(b), amended subsec. (b) generally, redesignating par. (1) as subsec. (b) and striking out par. (2) which read as follows: "In any month when the Board finds that the balance in the Railroad Retirement Account is insufficient to pay annuity amounts due to be paid during the following month, the Board shall report to the Secretary of the Treasury the additional amount of money necessary in order to make such annuity payments, and the Secretary shall transfer to the credit of the Railroad Retirement Account such additional amount upon receiving such report from the Board. The total amount of money outstanding to the Railroad Retirement Account from the general fund at any time during any fiscal year shall not exceed the total amount of money the Board and the Trustees of the Social Security Trust Fund estimate will be transferred to the Railroad Retirement Account pursuant to section 231f(c)(2) of this title with respect to such fiscal year. Whenever the Board determines that the sums in the Railroad Retirement Account are sufficient to pay annuity amounts, the Board shall request the Secretary of the Treasury to retransfer to the general fund from the Railroad Retirement Account all or any part of the amount outstanding, and the Secretary of the Treasury shall make such retransfer of the amount requested. Not later than 10 days after a transfer to the Railroad Retirement Account under section 231f(c)(2) of this title, any amount of money outstanding to the Railroad Retirement Account from the general fund under this subdivision shall be retransferred in accordance with this subdivision. Any amount retransferred shall include an amount of interest computed at a rate determined in accordance with the following two sentences: The rate of interest payable with respect to an amount outstanding for any month shall be equal to the average investment yield for the most recent auction (before such month) of United States Treasury bills with maturities of 52 weeks, deeming any amount outstanding at the beginning of a month to have been borrowed at the beginning of such month. For this purpose the amount of interest computed in accordance with the preceding sentence but not repaid by the end of such month shall be added to the amount outstanding at the beginning of the next month."

Subsec. (d)(1). Pub. L. 98-76, § 401(a)(1)-(3), designated existing provisions as par. (1), and in par. (1), as so designated, substituted "the amount that the Board estimates will be necessary to pay on the first day of the next succeeding month the annuity amounts under sections 231b(h), 231c(e), and 231c(h) of this title and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445, taking into account any reduction in such annuity amounts as determined under section 231f(c)(1) of this title, and the Secretary of the Treasury shall make such transfer, but at no time shall the total amount of money outstanding to the Dual Benefits Payments Account from the Railroad Retirement Account exceed the amount necessary to pay the annuity amounts under sections 231b(h), 231c(e), and 231c(h) of this title and sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law

93-445 for one month" for "one-twelfth of the amount which the Board has determined will be the amount of the appropriation to be made to the Dual Benefits Payments Account under the applicable public law making such appropriation for such fiscal year, and the Secretary of the Treasury shall make such transfer", and inserted "or during" after "prior to" in last sentence.

Subsec. (d)(2) to (6). Pub. L. 98-76, § 401(a)(4), added pars. (2) to (6).

Subsec. (l). Pub. L. 98-76, § 417(a), added subsec. (l).

Effective Date of 1983 Amendment

Section 301(c)(2) of Pub. L. 98-76 provided that: "The amendments made by subsection (b) of this section [amending subsec. (b) of this section] shall be effective on the date immediately following the day in June 1984 when the total amount of money outstanding to the Railroad Retirement Account under section 15(b)(2) of the Railroad Retirement Act of 1974 [former subsec. (b)(2) of this section] is retransferred to the general fund under that section."

Section 401(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending subsec. (d) of this section] shall be effective upon enactment [Aug. 12, 1983]."

Section 417(b) of Pub. L. 98-76 provided that: "The amendment made by subsection (a) [enacting subsec. (l) of this section] shall apply with respect to all checks for benefits under this Act [this subchapter] which are issued on or after May 1, 1985."

Section 72(r) Revenue Increase Transferred to Certain Railroad Retirement Accounts

Section 224(c) of Pub. L. 98-76 provided that:

"(1) In general.—

"(A) Transfers to railroad retirement account.—There are hereby appropriated to the Railroad Retirement Account amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1954 [26 U.S.C. 1 et seq.] which is attributable to the application of section 72(r) of the Internal Revenue Code of 1954 (as added by this Act) [26 U.S.C. 72(r)] with respect to benefits received before October 1, 1988. The aggregate amount appropriated under the preceding sentence to the extent attributable to benefits other than windfall benefits shall not exceed $877,000,000.

"(B) Revenue increases attributable to windfall benefits received after September 30, 1988, transferred to dual benefits payments account.—There are hereby appropriated to the Dual Benefits Payments Account amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of such Code which is attributable to the application of section 72(r) of such Code (as added by this Act) with respect to windfall benefits received after September 30, 1988.

"(C) Windfall benefits defined.—For purposes of this paragraph, the term 'windfall benefits' means any benefit paid under section 3(h), 4(e), or 4(h) of the Railroad Retirement Act of 1974 [45 U.S.C. 231b(h), 231(e), (h)].

"(2) Transfers.—The amounts appropriated by paragraph (1) shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Any such quarterly payment shall be made on the first day of such quarter and shall take into account benefits estimated to be received during such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) Revenue increases from tax on supplemental annuities not included.—Paragraph (1) shall not apply to tax liabilities attributable to supplemental annuities paid under section 2(b) of the Railroad Retirement Act of 1974 [45 U.S.C. 231a(b)]."

Tax Used To Repay Loans Made to Railroad Unemployment Insurance Account

Section 232 of Pub. L. 98-76 provided that:

"(a) Transfer to Railroad Retirement Account.—

"(1) In general.—The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Railroad Retirement Account an amount equal to the additional railroad unemployment taxes received in the Treasury.

"(2) Taxes credited against loans to railroad unemployment insurance account.—Any amount transferred under paragraph (1) shall be credited against, and operate to reduce, the outstanding balance of railroad unemployment loans.

"(b) Transfers Made Monthly.—Transfers under subsection (a) shall be made at least monthly on the basis of estimates made by the Secretary of the Treasury of the amount of the additional railroad unemployment taxes received in the Treasury. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or were less than the amounts required to be transferred.

"(c) Transfers to Railroad Unemployment Fund After Loans Repaid.—If—

"(1) the amount which (but for this subsection) would be transferred to the Railroad Retirement Account under subsection (a), exceeds—

"(2) the outstanding balance of railroad unemployment loans (as of the time of such transfer),

such transfer (to the extent it exceeds such outstanding balance) shall be made to the Railroad Unemployment Account.

"(d) Definitions.—For purposes of this section—

"(1) Additional railroad unemployment taxes.—The term 'additional railroad unemployment taxes' means the taxes imposed by chapter 23A of the Internal Revenue Code of 1954 [26 U.S.C. 3321 et seq.].

"(2) Railroad unemployment account.—The term 'Railroad Unemployment Account' means the railroad unemployment insurance account in the unemployment trust fund established pursuant to section 904 of the Social Security Act [42 U.S.C. 1104].

"(3) Railroad unemployment loans.—The term 'railroad unemployment loans' means transfers under section 10(d) of the Railroad Unemployment Insurance Act [45 U.S.C. 360(d)] from the Railroad Retirement Account to the Railroad Unemployment Account. The outstanding balance of such loans shall include any interest required to be paid under such section 10(d)."

Reimbursement of Railroad Retirement Act Accounts; "Unnegotiated Benefit Checks" Defined

Section 417(c) of Pub. L. 98-76 provided that:

"(1) The Secretary of the Treasury shall transfer from the general fund of the Treasury to each Account established in the Treasury for the payment of benefits under the Railroad Retirement Act of 1974 [this subchapter] in the month following the month in which this section is enacted [Aug. 1983] and in each of the next succeeding months until May, 1985, such sums as may be necessary to reimburse such Accounts in the proportionate amount of all checks (including interest thereon) attributable to such Accounts which the Secretary and the Board jointly determine to be unnegotiated benefit checks, to the extent provided in advance in appropriation Acts. After any amounts authorized by this subsection have been transferred to an Account or Accounts with respect to any benefit check, the provisions of paragraphs (3) and (4) of section 15(l) of the Railroad Retirement Act of 1974 (as added by subsection (a) of this section) [subsec. (l)(3), (4) of this section] shall be applicable to such check.

"(2) As used in paragraph (1) of this subsection, the term 'unnegotiated benefit checks' means checks for benefits under the Railroad Retirement Act of 1974 [this subchapter] or under the Railroad Retirement Act of 1937 [subchapter III of this chapter] which are issued prior to May 1, 1985, which remain unnegotiated after the sixth month following the date on which they were issued, and with respect to which no transfers have previously been made in accordance with the first sentence of such paragraph."

TREATMENT OF CERTAIN CREDITS AS AMOUNTS COVERED INTO THE TREASURY

Pub. L. 98-21, title I, § 123(b)(5), Apr. 20, 1983, 97 Stat. 89, provided that: "For purposes of subsection (a) of section 15 of the Railroad Retirement Act of 1974 [subsec. (a) of this section], amounts allowed as a credit under subsection (e) of section 3510 of the Internal Revenue Code of 1954 [26 U.S.C. 3510(e)] shall be treated as amounts covered into the Treasury under subsection (a) of section 3201 of such Code [26 U.S.C. 3201(a)]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 231n-1 of this title.

§ 231n-1. Social Security Equivalent Benefit Account

(a) Establishment

There is hereby created an account in the Treasury of the United States to be known as the "Social Security Equivalent Benefit Account".

(b) Transfers, etc., to Social Security Equivalent Benefit Account

(1) There is hereby appropriated to the Social Security Equivalent Benefit Account for each fiscal year, beginning with the fiscal year beginning October 1, 1984, an amount equal to the sum of the following amounts:

(A) Amounts covered into the Treasury (minus refunds) during such fiscal year under sections 3201(a), 3211(a)(1), and 3221(a) of the Railroad Retirement Tax Act [26 U.S.C. 3201(a), 3211(a)(1), 3221(a)].

(B) The amount which (but for this section) would have been transferred to the Railroad Retirement Account under section 121(e) of the Social Security Amendments of 1983 to the extent that the amount which would have been so transferred is attributable to taxation of social security equivalent benefits.

Amounts appropriated to the Railroad Retirement Account shall be appropriately reduced to take into account the amounts appropriated under this paragraph to the Social Security Equivalent Benefit Account.

(2) On and after October 1, 1984, any amount which (but for this section) would have been transferred to the Railroad Retirement Account pursuant to paragraph (2) or (4) of section 231f(c) of this title shall be transferred to the Social Security Equivalent Benefit Account. On and after October 1, 1984, no transfer shall be made to the Railroad Retirement Account pursuant to paragraph (2) or (4) of section 231f(c) of this title.

(3) To the extent that the authorization for appropriation contained in section 231n(b) of this title is attributable to the cost of social security equivalent benefits, on and after October 1, 1984, any reference in such section to the Railroad Retirement Account shall be treated as a reference to the Social Security Equivalent Benefit Account.

(4) Amounts appropriated or transferred to the Social Security Equivalent Benefit Account under this section shall be credited or transferred to such Account at the same time and in the same manner as such amounts would have been credited or transferred to the Railroad Retirement Account but for this section.

(c) Availability and transfer of funds

(1) Except as otherwise provided in this section, amounts in the Social Security Equivalent Benefit Account shall be available only for purposes of paying social security equivalent benefits under this subchapter and to provide for the administrative expenses of the Board allocable to social security equivalent benefits.

(2) On and after October 1, 1984, any transfer which (but for this paragraph) would be required to be made from the Railroad Retirement Account under paragraph (2) or (4) of section 231f(c) of this title shall be made from the Social Security Equivalent Benefit Account.

(d) Transfers from Railroad Retirement Account to Social Security Equivalent Benefit Account; retransfer

(1) Whenever the Board finds that the balance in the Social Security Equivalent Benefit Account will be insufficient to pay social security equivalent benefits which it estimates are due in any month, it shall request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Social Security Equivalent Benefit Account such moneys as the Board estimates will be necessary for the payment of such benefits, and the Secretary shall make such transfer. Whenever later in such month there is a transfer to the Social Security Equivalent Benefit Account under paragraph (2) or (4) of section 231f(c) of this title, the amount so transferred shall be immediately retransferred to the Railroad Retirement Account. The amount retransferred under the preceding sentence shall not exceed the amount of any outstanding transfers under this paragraph from the Railroad Retirement Account plus such additional amounts determined by the Board to be equal to the loss of interest to the Railroad Retirement Account resulting from such outstanding transfers.

(2) Whenever the Board determines that—

(A) amounts in the Railroad Retirement Account will not be sufficient to pay the annuities which it estimates are due, or will become due, from such Account, and

(B) the transfer under this paragraph will not jeopardize the present or future payment of social security equivalent benefits,

the Board shall request the Secretary of the Treasury to transfer from the Social Security Equivalent Benefit Account to the Railroad Retirement Account such moneys as the Board estimates will be necessary for the payment of such annuities, and the Secretary shall make such transfer. No transfer under this paragraph shall be required to be repaid.

(e) Applicability of section 231n

The provisions of subsections (e), (f), and (g) of section 231n of this title are hereby made applicable to the Social Security Equivalent Benefit Account.

(f) References to Railroad Retirement Account deemed references to Social Security Equivalent Benefit Account; "social security equivalent benefits" defined

(1) For purposes of making payments of social security equivalent benefits, references in the [13] subchapter to the Railroad Retirement Account shall be treated as references to the Social Security Equivalent Benefit Account.

(2) For purposes of this section, the term "social security equivalent benefits" means benefits payable under this subchapter which are of a kind taken into account in determining the amount of transfers made under section 231f(c)(2) of this title.

(Aug. 29, 1935, ch. 812, § 15A, as added Aug. 12, 1983, Pub. L. 98-76, title V, § 501(a), 97 Stat. 438.)

REFERENCES IN TEXT

Section 121(e) of the Social Security Amendments of 1983, referred to in subsec. (b)(1)(B), is section 121(e) of Pub. L. 98-21, title I, Apr. 20, 1983, 97 Stat. 83, which is set out as a note under section 401 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE

Section 501(b)(1) of Pub. L. 98-76 provided that: "The amendment made by this section [enacting this section] shall take effect on October 1, 1984."

TREATMENT OF TIER 1 PORTION OF TAX IMPOSED WITH RESPECT TO COMPENSATION PAID BEFORE 1985

Section 501(b)(2) of Pub. L. 98-76 provided that:

"(A) The tier 1 portion of the tax imposed by section 3201, 3211, or 3221 of the Internal Revenue Code of 1954 [26 U.S.C. 3201, 3211, 3221], as the case may be, with respect to compensation paid before 1985 shall be treated as described in subparagraph (A) of section 15A(b)(1) of the Railroad Retirement Act of 1974 [subsec. (b)(1)(A) of this section].

"(B) For purposes of subparagraph (A), the tier 1 portion of any tax is so much of such tax as is determined by reference to the rates of taxes imposed by chapter 21 of the Internal Revenue Code of 1954 [26 U.S.C. 3101 et seq.]."

§ 231q. Crediting service under the Social Security Act

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 231f of this title; title 42 section 402.

§ 231t. Short title

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98-76, § 1, Aug. 12, 1983, 97 Stat. 411, provided: "That this Act [enacting sections 231f-1, 231n-1 and 231v of this title and sections 3321 to 3323 and 6050G of Title 26, Internal Revenue Code, amending sections 231 to 231f, 231m, 231n, 231u, 351 to 354, 358, and 360 of this title, sections 72, 86, 105, 3201, 3202, 3211, 3221, 3231, 6157, 6201, 6317, 6513, and 6601 of Title 26, and section 430 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 231 to 231d, 231f, 231m, 231n, 231n-1, 351, 352, and 362 of this title and sections 1, 72, 105, 3201, 3321, and 6302 of Title 26] may be cited as the 'Railroad Retirement Solvency Act of 1983'."

§ 231u. Benefit preservation

(a)(1) On or before February 1 of each year beginning in 1984, the Railroad Retirement Board shall prepare a five-year projection of anticipated revenues to and payments from the Railroad Retirement Account to determine the ability of such Account to pay benefits in each of the next succeeding five calendar years. No later than April 1 of each year, the Board shall submit a written report to the President, the Speaker of the House, and the President of the Senate setting forth the results of the projection prepared pursuant to the preceding sentence. If the projection indicates that the funds in the Railroad Retirement Account will be insufficient to pay the full amount of the benefits under this subchapter which are payable from that Account at any time during the five-year period, the Board's report shall include—

(A) the first fiscal year during which benefits under this subchapter must be reduced, in the absence of any adjustments, because insufficient funds (including any general revenue borrowing authority under this subchapter) would preclude payment of full benefits (other than benfits [14] payable from the Dual Benefits Payments Account) for every month in such fiscal year;

(B) the first fiscal year during which the Board would recommend suspension of the authority to borrow contained in section 360(d) of this title, in order to prevent depletion of the Railroad Retirement Account; and

(C) the amount, if any, of adjustments (stated in terms of percentage of taxable payroll), and any other changes such as cash flow adjustments, necessary to preserve the financial solvency of the Railroad Retirement Account, if such adjustments were effective at the beginning of the next succeeding fiscal year.

(2) Not less than 20 nor more than 30 days after the submission of a written report under this subsection which indicates that, in the absence of any adjustments, the Railroad Retirement Account will contain insufficient funds to pay the full amount of the benefits under this subchapter which are payable from that Account at some time during the five-year period covered by the report, the Board shall publish such report in the Federal Register.

[*See main edition for text of* (*b*) *and* (*c*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title I, § 105, 97 Stat. 416.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-76 amended subsec. (a) generally, substituting provisions requiring the Railroad Retirement Board to annually prepare and report on a five-year projection of the ability of the Railroad Retirement Account to pay benefits during the five-year period for provisions which required the Board to prepare a report in any fiscal year in which it determined that more than 50 percent of the borrowing authority under this subchapter would be used.

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[13] So in original. Probably should be "this".

[14] So in original. Probably should be "benefits".

§ 231v. Inspector General

For the purposes of the Inspector General Act of 1978 (5 U.S.C. App.) the Railroad Retirement Board is an "establishment" and the Chairman of the Railroad Retirement Board is the "head of the establishment" with respect to such Board. For the purpose of section 2 of such Act, the Railroad Retirement Board is one of "such establishments".

(Aug. 29, 1935, ch. 812, § 23, as added Aug. 12, 1983, Pub. L. 98-76, title IV, § 418, 97 Stat. 438.)

REFERENCES IN TEXT

The Inspector General Act of 1976, referred to in text, is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 11—RAILROAD UNEMPLOYMENT INSURANCE

Sec.
368. Supplemental benefits.
  (a) Entitlement.
  (b) Exhaustion of rights to unemployment benefits.
  (c) Amount of benefits.
  (d) Maximum days.
  (e) Period of coverage.
  (f) "Period of eligibility" defined.
  (g) Terms and conditions.
  (h) Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 159a, 231f, 231g, 231l, 355a, 363a, 366a, 367, 401, 404, 590, 591, 797d, 909, 1207 of this title; title 19 section 2319; title 26 section 6334; title 42 section 10601.

§ 351. Definitions

For the purposes of this chapter, except when used in amending the provisions of other Acts—

[*See main edition for text of* (*a*) *to* (*h*)]

(i) The term "compensation" means any form of money remuneration, including pay for time lost but excluding tips, paid for services rendered as an employee to one or more employers, or as an employee representative: *Provided, however,* That in computing the compensation paid to any employee, no part of any month's compensation in excess of $300 for any month before July 1, 1954, or in excess of $350 for any month after June 30, 1954, and before the calendar month next following the month in which this chapter was amended in 1959, or in excess of $400 for any month after the month in which this chapter was so amended and before January 1984, or in excess of $600 for any month after 1983, shall be recognized. Solely for the purpose of determining the compensation received by an employee in a base year, the term "compensation" shall include any separation allowance or subsistence allowance paid under any benefit schedule provided under section 701 of title VII of the Regional Rail Reorganization Act of 1973 [45 U.S.C. 797] and any termination allowance paid under section 702 of that Act [45 U.S.C. 797a], but does not include any other benefits payable under that title [45 U.S.C. 797 et seq.]. The total amount of any subsistence allowance payable under a benefit schedule provided pursuant to section 701 of the Regional Rail Reorganization Act of 1973 shall be considered as being compensation in the month in which the employee first timely filed a claim for such an allowance. Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 1101(a)(15) of title 8 and which is performed to carry out the purpose specified in subparagraph (F) or (J) as the case may be. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 356 of this title, the period during which such compensation will have been earned.

(j) The term "remuneration" means pay for services for hire, including pay for time lost, and tips, but pay for time lost shall be deemed earned on the day on which such time is lost. The term "remuneration" includes also earned income other than for services for hire if the accrual thereof in whole or in part is ascertainable with respect to a particular day or particular days. The term "remuneration" does not include any money payments received pursuant to any nongovernmental plan for unemployment insurance, maternity insurance, or sickness insurance.

(k) Subject to the provisions of section 354 of this title (1) a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office; and (2) a "day of sickness", with respect to any employee, means a calendar day on which because of any physical, mental, psychological, or nervous injury, illness, sickness, or disease he is not able to work, or, with respect to a female employee, a calendar day on which, because of pregnancy, miscarriage, or the birth of a child, (i) she is unable to work or (ii) working would be injurious to her health, and with respect to which (i) no remuneration is payable or accrues to him, and (ii) in accordance with such regulations as the Board may prescribe, a statement of sickness is filed within such reasonable period, not in excess of ten days, as the Board may prescribe: *Provided, however,* That "subsidiary remuneration", as hereinafter defined in this subsection, shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $1,500: *Provided further,* That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the first of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the second of such calendar days: *Provided further,* That any calendar day on which no remuneration is payable to or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall not be considered either a day of unemployment or a day of sickness.

For the purpose of this subsection, the term "subsidiary remuneration" means, with respect to any employee, remuneration not in excess of an average of ten dollars a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation.

[*See main edition for text of* (*l*) *to* (*u*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, §§ 402(b), 403(b), 411(a)(1), title V, § 503(b), 97 Stat. 434, 436, 441.)

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsec. (i), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended. Title VII of the Regional Rail Reorganization Act of 1973 is classified generally to subchapter VII (§ 797 et seq.) of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

AMENDMENTS

1983—Subsec. (i). Pub. L. 98-76, § 503(b), inserted "and before January 1984, or in excess of $600 for any month after 1983".

Pub. L. 98-76, § 403(b), added: "Solely for the purpose of determining the compensation received by an employee in a base year, the term 'compensation' shall include any separation allowance or subsistence allowance paid under any benefit schedule provided under section 701 of title VII of the Regional Rail Reorganization Act of 1973 and any termination allowance paid under section 702 of that Act, but does not include any other benefits payable under that title. The total amount of any subsistence allowance payable under a benefit schedule provided pursuant to section 701 of the Regional Rail Reorganization Act of 1973 shall be considered as being compensation in the month in which the employee first timely filed a claim for such an allowance."

Subsec. (j). Pub. L. 98-76, § 402(b), struck out "(i) the voluntary payment by another, without deduction from the pay of an employee, of any tax or contribution now or hereafter imposed with respect to the remuneration of such employee, or (ii)" after "'remuneration' does not include".

Subsec. (k). Pub. L. 98-76, § 411(a)(1), substituted "$1,500" for "$1,000".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 402 of Pub. L. 98-76 applicable to compensation paid for services rendered after June 30, 1983, see section 402(c) of Pub. L. 98-76, set out as a note under section 231 of this title.

Amendment by section 403 of Pub. L. 98-76 effective Aug. 13, 1981, see section 403(c) of Pub. L. 98-76, set out as a note under section 231 of this title.

Section 411(b) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 351, 353, and 354 of this title] shall apply to compensation paid for services rendered after December 31, 1983."

Section 503(c) of Pub. L. 98-76 provided that: "The amendments made by this section [amending sections 351 and 358 of this title] shall apply to compensation paid for services rendered after December 31, 1983."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 352, 368 of this title; title 26 sections 3306, 3323.

§ 352. Benefits

(a) Days for which benefits payable; determination of amount

Benefits shall be payable to any qualified employee for each day of unemployment in excess of four during any registration period: *Provided, however,* That in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, no benefits shall be payable for the first fourteen days of unemployment due to such stoppage of work. Benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness, but excluding four days of sickness in any registration period. A period of continuing sickness means (i) a period of consecutive days of sickness, whether from one or more causes, or (ii) a period of successive days of sickness due to a single cause without interruption of more than ninety consecutive days which are not days of sickness.

The daily benefit rate with respect to any such employee for such day of unemployment or sickness shall be in an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, but not less than $12.70: *Provided, however,* That for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness and that for registration periods beginning after June 30, 1976, such amount shall not exceed $25 per day of such unemployment or sickness. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both.

In computing benefits to be paid, days of unemployment shall not be combined with days of sickness in the same registration period.

[*See main edition for text of* (*b*) *to* (*h*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, § 412(a), 97 Stat. 436.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-76 substituted "That in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, no benefits shall be payable for the first fourteen days of unemployment due to such stoppage of work" for "That notwithstanding the provisions of section 351(h) of this title, in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, other than a strike subject to the disqualification in section 354(a-2)(iii) of this title, none of the first seven days of unemployment due to such stoppage of work shall be included in any registration period; and subject to the registration provisions of section 351(h) of this title, so many of the ensuing seven consecutive calendar days during which his unemployment continues to be caused by such stoppage of work shall constitute a registration period, during which benefits shall be payable for each day of unemployment".

EFFECTIVE DATE OF 1983 AMENDMENT

Section 412(b) of Pub. L. 98-76 provided that: "The amendment made by this section [amending subsec. (a) of this section] shall apply with respect to days of unemployment in registration periods beginning after December 31, 1983."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351, 360, 362, 368 of this title; title 26 sections 105, 3231.

§ 353. Qualifying condition

An employee shall be a "qualified employee" if the Board finds that his compensation will have been not less than $1,500 with respect to the base year, and, if such employee has had no compensation prior to such year, that he will have had compensation with respect to each of not less than five months in such year.

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, § 411(a)(2), 97 Stat. 436.)

AMENDMENTS

1983—Pub. L. 98-76 substituted "$1,500" for "$1,000".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-76 applicable to compensation paid for services rendered after Dec. 31, 1983, see section 411(b) of Pub. L. 98-76, set out as a note under section 351 of this title.

§ 354. Disqualifying conditions

[*See main edition for text of* (*a-1*)]

(a-2) Day of unemployment

(i)(A) subject to the provisions of subdivision (B) hereof, any of the days in the period beginning with the day with respect to which the Board finds that he left work voluntarily, and continuing until he has been paid compensation of not less than $1,500 with respect to time after the beginning of such period;

[*See main edition for text of* (*B*), (*ii*) *and* (*iii*); (*b*) *to* (*e*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title IV, § 411(a)(3), 97 Stat. 436.)

AMENDMENTS

1983—Subsec. (a-2)(i)(A). Pub. L. 98-76 substituted "$1,500" for "$1,000".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-76 applicable to compensation paid for services rendered after Dec. 31, 1983, see section 411(b) of Pub. L. 98-76, set out as a note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 351 of this title.

§ 355. Claims for benefits

[*See main edition for text of* (*a*) *to* (*e*)]

(f) Review of final decision of Board by Courts of Appeals; costs

Any claimant, or any railway labor organization organized in accordance with the provisions of the Railway Labor Act [45 U.S.C. 151 et seq.], of which claimant is a member, or any other party aggrieved by a final decision under subsection (c) of this section, may, only after all administrative remedies within the Board will have been availed of and exhausted, obtain a review of any final decision of the Board by filing a petition for review within ninety days after the mailing of notice of such decision to the claimant or other party, or within such further time as the Board may allow, in the United States court of appeals for the circuit in which the claimant or other party resides or will have had his principal place of business or principal executive office, or in the United States Court of Appeals for the Seventh Circuit or in the United States Court of Appeals for the District of Columbia. A copy of such petition, together with initial process, shall forthwith be served upon the Board or any officer designated by it for such purpose. Service may be made upon the Board by registered mail addressed to the Chairman. Within thirty days after receipt of service, or within such additional time as the court may allow, the Board shall file with the court in which such petition has been filed the record upon which the findings and decision complained of are based, as provided in section 2112 of title 28. Upon the filing of such petition the court shall have exclusive jurisdiction of the proceeding and of the question determined therein. It shall have power to enter a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. The findings of the Board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive. No additional evidence shall be received by the court but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court the additional record. The judgment and decree of the court shall be final, subject to review as in equity cases.

An applicant for review of a final decision of the Board concerning a claim for benefits shall not be liable for costs, including costs of service, or costs of printing records, except that costs may be assessed by the court against such applicant if the court determines that the proceedings for such review have been instituted or continued without reasonable ground.

[*See main edition for text of* (*g*) *to* (*i*)]

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(47), 98 Stat. 3360.)

AMENDMENTS

1984—Subsec. (f). Pub. L. 98-620 struck out provision requiring the court to give precedence in the adjudication of the petition over all other civil cases not otherwise entitled by law to precedence.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 358. Contributions

(a) Employers' contributions

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the compensation as is not in excess of $600 for any calendar month paid by him to any employee for any services rendered to him. If compensation is paid to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall not apply to more than $600 of the aggregate compensation paid to such employee by all such employers with respect to such calendar month, and each employer (other than a subordinate unit of a national railway-labor-organization employer) shall be liable for that portion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him to such employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month. In the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $600, each subordinate unit of a national railway-labor-organization employer shall be liable for such portion of any additional contribution as the compensation paid by such employer to such employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30 of any year, as determined by the Board, is:	The rate with respect to compensation paid during the next succeeding calendar year shall be:
	Percent
$300,000,000 or more	0.5
$200,000,000 or more but less than $300,000,000	4.0
$100,000,000 or more but less than $200,000,000	5.5
$50,000,000 or more but less than $100,000,000	7.0
Less than $50,000,000	8.0

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year; and in determinig such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account.

(b) Employee representatives' contributions

Each employee representative shall pay a contribution with respect to so much of the compensation paid to him for services performed as an employee representative during any month as is not, for any such calendar month, in excess of $600, at the rate applicable to employers in accordance with subsection (a) of this section. The compensation of an employee representative and the contribution with respect thereto shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in this chapter.

[*See main edition for text of* (*c*) *to* (*h*)]

(As amended Aug. 12, 1983, Pub. L. 98-76, title V, § 503(a), 97 Stat. 440.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-79, § 503(a)(1), amended provisions preceding the table generally. Prior to amendment, such provisions read as follows: "Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after June 30, 1939, and before July 1, 1954, and is not in excess of $350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954, and before June 1, 1959, and is not in excess of $400 for any calendar month paid by him to any employee for services rendered to him after May 31, 1959: *Provided, however,* That if compensation is paid to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 for any month before July 1, 1954, and to not more than $350 for any month after June 30, 1954, and before June 1, 1959, and to not more than $400 for any month after May 31, 1959, of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300 if such month is before July 1, 1954, or less than $350 if such month is after June 30, 1954, and before June 1, 1959, or less than $400 if such month is after May 31, 1959, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

"1. With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

"2. With respect to compensation paid after the month in which this chapter was amended in 1959, the rate shall be as follows:".

Subsec. (b). Pub. L. 98-76, § 503(a)(2), struck out "after December 1975" after "during any month", and substituted "$600" for "$400".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-76 applicable to compensation paid for services rendered after Dec. 31, 1983, see section 503(c) of Pub. L. 98-76, set out as a note under section 351 of this title.

§ 360. Railroad unemployment insurance account

[*See main edition for text of* (*a*) *to* (*c*)]

(d) Transfer and retransfer of funds; interest

Whenever the Board finds at any time that the balance in the railroad unemployment insurance account will be insufficient to pay the benefits and refunds which it estimates are due, or will become due, under this chapter, it shall request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the railroad unemployment insurance account such moneys as the Board estimates would be necessary for the payment of such benefits and refunds, and the Secretary shall make such transfer. Whenever the Board finds that the balance in the railroad unemployment insurance account, without regard to the amounts transferred pursuant to the next preceding sentence, is sufficient to pay such benefits and refunds, it shall request the Secretary of the Treasury to retransfer from the railroad unemployment insurance account to the credit of the Railroad Retirement Account such moneys as in its judgment are not needed for the payment of such benefits and refunds, plus interest at a rate for each fiscal year equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the preceding fiscal year, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer. In determining the balance in the railroad unemployment insurance account as of September 30 of any year pursuant to section 358(a) of this title, any moneys transferred from the Railroad Retirement Account to the credit of the railroad unemployment insurance account which have not been retransferred as of such date from the latter account to the credit of the former, plus the interest accrued thereon to that date, shall be disregarded. No transfer shall be made under this subsection from the Railroad Retirement Account after December 19, 1985, and no such transfer shall be made on or before December 19, 1985, for purposes of paying benefits and refunds due after such date.

(As amended Aug. 12, 1983, Pub. L. 98-76, title III, § 302, 97 Stat. 432; Sept. 30, 1985, Pub. L. 99-107, § 4, 99 Stat. 479; Nov. 14, 1985, Pub. L. 99-155, § 2(c), 99 Stat. 814; Dec. 13, 1985, Pub. L. 99-181, § 3, 99 Stat. 1172; Dec. 18, 1985, Pub. L. 99-189, § 3, 99 Stat. 1184.)

AMENDMENTS

1985—Subsec. (d). Pub. L. 99-189 substituted "December 19, 1985" for "December 18, 1985" wherever appearing.

Pub. L. 99-181 substituted "December 18, 1985" for "December 14, 1985" wherever appearing.

Pub. L. 99-155 substituted "December 14, 1985" for "November 14, 1985" wherever appearing.

Pub. L. 99-107 substituted "November 14, 1985" for "September 30, 1985" wherever appearing.

1983—Subsec. (d). Pub. L. 98-76 added provisions that no transfer shall be made under this subsection from the Railroad Retirement Account after September 30, 1985, and no such transfer shall be made on or before September 30, 1985, for purposes of paying benefits and refunds due after such date.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231u, 351 of this title; title 26 section 3322.

§ 362. Duties and powers of Board

RAILROAD UNEMPLOYMENT COMPENSATION COMMITTEE

Pub. L. 98-76, title V, § 504, Aug. 12, 1983, 97 Stat. 441, provided that:

"(a) Representatives of railroad labor and railroad management shall jointly establish (and jointly appoint the members of) a committee to be known as the 'Railroad Unemployment Compensation Committee' (hereinafter in this section referred to as the 'Committee').

"(b) The Committee shall consist of five members—

"(1) two of whom shall be representatives of railroad labor,

"(2) two of whom shall be representatives of railroad management, and

"(3) one of whom shall be an individual who shall not be in the employment of or pecuniarily or otherwise interested in any employer (as defined in section 1 of the Railroad Retirement Act of 1974 [45 U.S.C. 231]) or any organization of employees (as defined in section 1 of such Act).

"(c) The Committee shall review all aspects of the unemployment and sickness insurance systems provided by the Railroad Unemployment Insurance Act [this chapter] including (but not limited to) a review of—

"(1) benefit levels,

"(2) experience rating,

"(3) debt repayment and interest on debt,

"(4) waiting period for unemployment benefits and qualifying requirements, and

"(5) alternatives to the railroad unemployment insurance system such as covering railroad employees under the Federal-State unemployment compensation system.

"(d) Not later than April 1, 1984, the Committee shall submit a report to the Congress containing recommendations—

"(1) with respect to the review conducted under subsection (c), and

"(2) with respect to the repayment of funds which the railroad unemployment insurance system has borrowed from the Railroad Retirement Account.

Any recommendation submitted under paragraph (2) shall contain adjustments in contributions and benefits which will enable the railroad unemployment compensation system to repay all loans from the Railroad Retirement Account before December 31, 2000.

"(e) The Railroad Retirement Board (and any other department, agency, or instrumentality of the Federal Government) is authorized to cooperate with, and assist, the Committee (at its request) in carrying out its duties by furnishing services, information, data, or other material which the Committee determines will be helpful in carrying out its duties."

§ 367. Short title

CODIFICATION

Another section 17 of Act June 25, 1938, is classified to section 368 of this title.

§ 368. Supplemental benefits

(a) Entitlement

An employee as defined in section 351(d) of this title shall be entitled to supplemental unemployment benefits in accordance with the provisions of this section for each day of unemployment in excess of four during any registration period in such employee's period of eligibility if such employee—

(1) has less than ten years of service as defined in section 231(f) of this title, did not voluntarily retire, and did not voluntarily leave work without good cause;

(2) has with respect to the benefit year beginning July 1, 1982, or the benefit year beginning July 1, 1983, exhausted all rights to unemployment benefits under this chapter other than supplemental unemployment benefits payable by reason of this section;

(3) has no rights to unemployment benefits under any State unemployment compensation law or any other Federal law; and

(4) is not receiving unemployment compensation with respect to such day under the unemployment compensation law of Canada.

(b) Exhaustion of rights to unemployment benefits

For purposes of this section, an employee shall be deemed to have exhausted his rights to unemployment benefits under this chapter when no unemployment benefits (other than supplemental unemployment benefits payable by reason of this section) can be paid to the employee because he has received the maximum unemployment benefits available to him under this chapter, other than this section.

(c) Amount of benefits

The amount of supplemental unemployment benefits payable to an employee under this section for any day of unemployment shall be equal to the amount that would be payable to him for such day under section 352(a) of this title if he were entitled to receive benefits under such section.

(d) Maximum days

The maximum number of days of unemployment for which supplemental unemployment benefits may be paid to an employee by reason of this section shall be fifty.

(e) Period of coverage

No supplemental unemployment benefits shall be payable by reason of this section for any day before March 10, 1983, or for any day in any registration period beginning after June 30, 1984.

(f) "Period of eligibility" defined

(1) For purposes of this section the term "period of eligibility" means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in such benefit year; or

(B) March 10, 1983,

and consisting of five consecutive registration periods (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before November 30, 1983, shall not be taken into account for purposes of payment of benefits, or in determining the consecutiveness of registration periods.

(2) For purposes of this section the term "period of eligibility" means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in such benefit year; or

(B) November 30, 1983,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.

(g) Terms and conditions

The terms and conditions of this chapter that apply to claims for unemployment benefits and the payment or recovery thereof shall apply to claims for supplemental unemployment benefits and payment thereof, except where inconsistent with the provisions of this section.

(h) Authorization of appropriations

(1) There are authorized to be appropriated from the general fund in the Treasury to the railroad unemployment insurance account in the Unemployment Trust Fund, without fiscal

year limitation, such sums as may be necessary to pay supplemental unemployment benefits payable by reason of this section. Such amounts shall not be required to be repaid.

(2) There are authorized to be appropriated from the general fund in the Treasury to the railroad unemployment insurance administration account in the Unemployment Trust Fund, without fiscal year limitation, such sums as may be necessary to meet the costs of administering the program of supplemental unemployment benefits established by this section. Such amounts shall not be required to be repaid.

(June 25, 1938, ch. 680, § 17, as added Mar. 24, 1983, Pub. L. 98-8, title I, § 102(a), 97 Stat. 32, and amended Nov. 30, 1983, Pub. L. 98-181, title II, § 2005(a), 97 Stat. 1298.)

CODIFICATION

Another section 17 of Act June 25, 1938, is classified to section 367 of this title.

AMENDMENTS

1983—Subsec. (a)(2). Pub. L. 98-181, § 2005(a)(1), inserted "or the benefit year beginning July 1, 1983," after "the benefit year beginning July 1, 1982,".

Subsec. (e). Pub. L. 98-181, § 2005(a)(2), substituted "June 30, 1984" for "June 30, 1983".

Subsec. (f). Pub. L. 98-181, § 2005(a)(3), amended subsec. (f) generally, providing separate paragraphs for the benefit year beginning July 1, 1982, and the benefit year beginning July 1, 1983, for former provision which read: "For purposes of this section the term 'period of eligibility' means with respect to any employee, the period beginning with the first day of unemployment following the later of (i) the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in the benefit year beginning July 1, 1982, or (ii) January 31, 1983, and shall consist of five consecutive registration periods, except that no supplemental benefits under this section shall be payable for any day of unemployment in any registration period beginning after June 30, 1983."

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2005(b) of Pub. L. 98-181 provided that: "The amendments made by this section [amending this section] shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act [Nov. 30, 1983]."

CHAPTER 13—RAILROAD SAFETY

SUBCHAPTER II—RULES, REGULATIONS, ORDERS, AND STANDARDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 442 of this title; title 49 section 11125.

§ 439. Injunctive relief

(a) Procedures and jurisdiction

The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 436 of this title, have jurisdiction, subject to the provisions of rules 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this subchapter or to enforce rules, regulations, orders, or standards established under this subchapter and to restrain violations of or to enforce rules, regulations, orders, or standards established under any statute transferred to the Secretary under section 1655(e)(1), (e)(2), and (e)(6)(A) of title 49, Appendix.

[See main edition for text of (b)]

(c) Judicial districts where action may be brought

Subject to section 436(d)[1] of this title, any action under subsection (a) of this section may be brought in the United States district court for the judicial district in which the violation occurred or in which the defendant has its principal executive office.

[See main edition for credits]

CODIFICATION

Subsecs. (a) and (c) are set out in this supplement to correct typographical errors appearing in the main edition.

CHAPTER 14—RAIL PASSENGER SERVICE

SUBCHAPTER III—NATIONAL RAILROAD PASSENGER CORPORATION

§ 544. Common and preferred stock

(a) Issuance; par value; dividends

The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, which shall be eligible for dividends. Preferred stock may be issued to and held only by any person other than (1) a railroad or (2) any person controlling one or more railroads, as defined in section 10102 of title 49. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

[See main edition for text of (A) and (B)]

(b) Limitations on voting common stock

At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation voted by a single railroad or by any person controlling one or more railroads, as defined in section 10102 of title 49, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding. If any railroad or any person controlling one or more railroads, as defined in section 10102(6) of title 49, owns, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding.

[See main edition for text of (c) to (e); credits]

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[1] So in original. Probably should be "section 436(c)".

CODIFICATION

In subsecs. (a) and (b), "section 10102 of title 49" was substituted for "section 1(3)(b) of the Interstate Commerce Act [49 U.S.C. 1(3)(b)]" on authority of Pub. L. 95-473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49, Transportation.

CHAPTER 15—EMERGENCY RAIL SERVICES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 906, 916, 922 of this title; title 49 section 308.

CHAPTER 16—REGIONAL RAIL REORGANIZATION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 543, 562, 582, 586, 802, 823, 824, 851, 854, 1101 of this title; title 49 section 10362.

SUBCHAPTER II—UNITED STATES RAILWAY ASSOCIATION

§ 711. Formation and structure

[*See main edition for text of* (a) *to* (c)]

(d) Board of Directors

[*See main edition for text of* (1)]

(2) The Chairman may not have any employment or other direct financial relationship with any freight railroad. The Chairman shall receive $300 per diem when engaged in the actual performance of his duties plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(e) Term of office

The term of office of the Chairman of the Board of Directors of the Association shall expire on December 31, 1987. The Chairman may be reappointed and the term of the Chairman shall be 3 years.

[*See main edition for text of* (*f*) *to* (*j*)]

(As amended Pub. L. 98-181, title II, § 2003(c)(1), Nov. 30, 1983, 97 Stat. 1297; Pub. L. 99-190, § 101(e) [title III, § 332], Dec. 19, 1985, 99 Stat. 1267, 1290.)

AMENDMENTS

1985—Subsec. (d)(2). Pub. L. 99-190, § 101(e) [title III, § 332(1)], inserted "freight" before "railroad".

Subsec. (e). Pub. L. 99-190, § 101(e) [title III, § 332(2)], substituted "1987" for "1985".

1983—Subsec. (e). Pub. L. 98-181 substituted "1985" for "1983".

SUBCHAPTER III—CONSOLIDATED RAIL CORPORATION

§ 745. Continuing reorganization; supplemental transactions

[*See main edition for text of* (a) *to* (c)]

(d) Special court proceedings

[*See main edition for text of* (1)]

(2) After the filing of a petition under paragraph (1) of this subsection, the special court shall decide, after a hearing, whether the proposed supplemental transactions contained in such petition, considered in their entirety, are in the public interest and consistent with the purposes of this chapter and the goals of the final system plan and are fair and equitable. If the special court determines that such proposed supplemental transactions, considered in their entirety, are in the public interest and consistent with the purposes of this chapter and the goals of the final system plan and are fair and equitable, it shall, upon making such determination, issue such orders as may be necessary to direct the Corporation to consummate the transactions. If the special court determines that such proposed supplemental transactions, considered in their entirety, are not in the public interest or not consistent with the purposes of this chapter and the goals of the final system plan, or are not fair and equitable, it shall file an opinion stating its conclusion and the reasons therefor. In such event the Association (in the case of a proposal developed by the Association) or the Secretary (in the case of a proposal developed by the Secretary) may, within 120 days after the filing of such opinion, certify to the special court that the terms and conditions of the proposal have been modified consistent with the opinion of the court and are acceptable to each proposed transferor (other than the Corporation) or transferee, and may petition the special court for reconsideration of the proposal as so modified. After the filing of such petition, the special court shall decide, after a hearing, whether the proposal as modified by the certification is in the public interest and consistent with the purposes of this chapter and the goals of the final system plan and is fair and equitable, and shall enter such further orders as are consistent with its determination.

[*See main edition for text of* (3) *to* (8); (e) *to* (*g*)]

(As amended Pub. L. 98-620, title IV, § 402(48), Nov. 8, 1984, 98 Stat. 3360.)

AMENDMENTS

1984—Subsec. (d)(2). Pub. L. 98-620 substituted "After" for "Within 180 days after" at beginning of first and last sentences.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 748. Abandonments

[*See main edition for text of* (a) *and* (b)]

(c) Notice of insufficient revenues

(1) The Corporation may, prior to November 1, 1985, file with the Commission a notice of insufficient revenues for any line which is part of the system of the Corporation.

[*See main edition for text of* (2); (d) *to* (*f*)]

(As amended Pub. L. 98-181, title II, § 2003(c)(2), Nov. 30, 1983, 97 Stat. 1298.)

AMENDMENTS

1983—Subsec. (c)(1). Pub. L. 98-181 substituted "1985" for "1983".

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 792. Repealed. Pub. L. 97-375, title I, § 111(b), Dec. 21, 1982, 96 Stat. 1821

Section, Pub. L. 93-236, title VI, § 602, Jan. 2, 1974, 87 Stat. 1022, provided that as part of his annual report, the Secretary transmit to Congress a comprehensive report on the effectiveness of the Association and the Corporation in implementing the purposes of this chapter, together with any recommendations for additional legislative or other action.

Subsequent to repeal by Pub. L. 97-375, section was repealed and the provisions thereof were reenacted as the last sentence of section 308(a) of Title 49, Transportation, by Pub. L. 97-449, §§ 1(b), 7(b), Jan. 12, 1983, 96 Stat. 2413, 2443. Section 6(a) of Pub. L. 97-449 provided that: "Sections 1-5 of this act restate, without substantive change, laws enacted before November 15, 1982, that were replaced by those sections. * * * Laws enacted after November 14, 1982, that are inconsistent with this Act supersede this Act to the extent of the inconsistency." Accordingly, the last sentence of section 308(a) of Title 49 was superseded by the repeal made by section 111(b) of Pub. L. 97-375, and was specifically repealed by Pub. L. 98-216, § 2(1)(A)(ii), Feb. 14, 1984, 98 Stat. 4.

Pub. L. 97-375, title I, § 111(b), Dec. 21, 1982, 96 Stat. 1821, which repealed this section, was itself repealed by Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 6.

SUBCHAPTER VII—PROTECTION OF EMPLOYEES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 231, 351 of this title.

§ 797. Employee protection agreement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231, 351, 588, 745, 748, 797d, 797i, 797*l*, 1113 of this title.

§ 797a. Termination allowance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 231, 351, 797d, 797i, 797*l*, 1103 of this title.

CHAPTER 17—RAILROAD REVITALIZATION AND REGULATORY REFORM

SUBCHAPTER I—GENERAL PROVISIONS

§ 801. Declaration of policy

ACT REFERRED TO IN OTHER SECTIONS

The Railroad Revitalization and Regulatory Reform Act of 1976 is referred to in sections 562, 726 of this title; title 16 section 1247.

§ 802. Definitions

As used in this Act, unless the context otherwise indicates, the term—

[*See main edition for text of (1) to (6)*]

(7) "railroad" means a common carrier by railroad or express, as defined in section 10102 of title 49, and includes the National Railroad Passenger Corporation; and

[*See main edition for text of (8)*]

(As amended Pub. L. 97-468, title VI, § 615(b)(2), Jan. 14, 1983, 96 Stat. 2578.)

AMENDMENTS

1983—Par. (7). Pub. L. 97-468 struck out "and the Alaska Railroad" before the semicolon at the end.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of this title, see section 615(b) of Pub. L. 97-468.

SUBCHAPTER II—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

§ 822. The Rail Fund

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 821, 828 of this title; title 49 section 308.

§ 831. Guarantee of obligations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 721, 832, 833, 914 of this title; title 49 section 308.

SUBCHAPTER III—NORTHEAST CORRIDOR PROJECT IMPLEMENTATION

§ 851. National Railroad Passenger Corporation

APPLICABILITY OF NATIONAL DEFENSE CONTRACT REQUIREMENTS TO IMPROVEMENT PROGRAM

Provisions making the provisions of Pub. L. 85-804, which is classified generally to chapter 29 (§ 1431 et seq.) of Title 50, War and National Defense, applicable to the Northeast Corridor Improvement Program; authorizing the Secretary to waive the provisions of section 322(c) and (d) of Title 23, Highways, if it would serve a public purpose; and requiring all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project to be equipped with protective devices including gates and lights were contained in the following appropriation acts:

Pub. L. 99-190, § 101(e) [title I, § 101], Dec. 19, 1985, 99 Stat. 1267, 1279.

Pub. L. 98-473, title I, § 101(i) [title I, § 101], Oct. 12, 1984, 98 Stat. 1944, 1954.

Pub. L. 98-78, title I, § 101, Aug. 15, 1983, 97 Stat. 463.

CHAPTER 19—ROCK ISLAND RAILROAD EMPLOYEE ASSISTANCE

§ 1018. Judicial review

[*See main edition for text of (a)*]

(b) Appellate proceedings

If appeals are taken from decisions described in subsection (a) of this section involving section 1005 or 1008 of this title or section 9 or 15 of the Milwaukee Railroad Restructuring Act [45 U.S.C. 908 or 915], the court of appeals shall determine such appeals in a consolidated proceeding, sitting en banc.

[*See main edition for text of (c)*]

(As amended Pub. L. 98-620, title IV, § 402(49), Nov. 8, 1984, 98 Stat. 3361.)

REFERENCES IN TEXT

The United States Court of Claims, referred to in subsec. (c), and the United States Court of Customs and Patent Appeals were merged effective Oct. 1, 1982, into a new United States Court of Appeals for the Federal Circuit by Pub. L. 97-164, Apr. 2, 1982, 96 Stat. 25, which also created a United States Claims Court that inherited the trial jurisdiction of the Court of Claims. See sections 48, 171 et seq., 791 et seq., and 1491 et seq. of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-620 struck out provision requiring the court to render a final decision no later than 60 days after the filing of the last such appeal.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 21—ALASKA RAILROAD TRANSFER

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 231 of this title.

§ 1203. Transfer authorization

TRANSFER OF ALASKA RAILROAD TO STATE OF ALASKA

The State of Alaska accepted the certification requirements of the Alaska Railroad Transfer Act [this chapter] by 1984 SLA ch. 54, eff. May 19, 1984. Thereafter, by 1984 SLA ch. 153, eff. July 6, 1984, the Alaska Railroad Corporation was established to manage and operate the Alaska Railroad. The transfer of the Alaska Railroad to the State of Alaska was carried out on January 5, 1985.

§ 1205. Lands to be transferred

[See main edition for text of (a) and (b)]

(c) Judicial review; remedies available; standing of State

(1) The final administrative adjudication pursuant to subsection (b) of this section shall be final agency action and subject to judicial review only by an action brought in the United States District Court for the District of Alaska.

[See main edition for text of (2) and (3); (d) and (e)]

(As amended Pub. L. 98-620, title IV, § 402(52), Nov. 8, 1984, 98 Stat. 3361.)

AMENDMENTS

1984—Subsec. (c)(1). Pub. L. 98-620 struck out provision that required review of agency action pursuant to this chapter to be expedited to the same extent as the expedited review provided by section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1207. State operation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 103.

[illegible]

CHAPTER 21—ALASKA RAILROAD TRANSFER

[illegible]

TITLE 46—SHIPPING

This title was enacted by Pub. L. 98-89, § 1, Aug. 26, 1983, 97 Stat. 500

Title Referred to in Other Sections

This title is referred to in title 42 section 9607.

Subtitle		Sec.
I.	[Reserved—general]	101
II.	Vessels and seamen	2101

[BALANCE OF TITLE RESERVED]

Table Showing Disposition of All Sections of Former Title 46

[Former sections of Title 46 that were not included in Title 46 as enacted by Pub. L. 98-89 have been transferred to the Appendix to Title 46 and retain the same section numbers.]

Title 46 Former Sections	*Title 46 New Sections*
1	Rep.
2	2103
3	46 App.
4	2105
5, 6	Rep.
7	2107
8	2108
9 (less (c))	3316
9(c)	46 App.
11, 12	Rep.
13, 14	46 App.
15-40	Rep.
41, 42	46 App.
43-56	Rep.
57	46 App.
58	Rep.
59	46 App.
60-63	Rep.
65(1)	2101(10)
65(2)	2101(11)
65(3)	2101(34)
65a	12113
65b	12102
65c	12114
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65g	12104
65h	12105
65i	12106
65j	12107
65k	12108
65*l*	12109
65m	12110
65n	12122
65o	12111
65p	12112
65q	12117
65r	12118
65s	12119
65t	12120
65u	2107, 12122(a)
65v(1)	2104
65v(2)	12121
65w	12101
71, 72	46 App.
73, 74	Rep.
75	46 App.
76	Rep.
77	46 App.
78, 79	Rep.
80	(See former 660-1)
81	46 App.
82	3101
83-83k	46 App.
85-85g	Rep.
86-86c	46 App.
88-88i	46 App.
91, 91a	46 App.
92	Rep.
93, 94	46 App.
95	Rep.
96-98	46 App.
99	Rep.
100-102	46 App.
103	Rep.
104	46 App.
105-109	Rep.
110-113	46 App.
121-135	46 App.
141-146	46 App.
151-162	Rep.
163	46 App.
170(14)	2106
170	3306(a)(5), Rep. in part
170a, 170b	Rep.
171-175	Rep.
178, 179	Rep.
181-183	46 App.
183a	Rep.
183b-196	46 App.
201	11301
202	11302
203	11303
211	8501(a)
212	8501(b)
213	8501(c), (e)
214	7101
214(c)	7106
215	8501(d), 8502
216(a)	9301(2)
216(b)	2101(34)
216(c)	9301(3)
216(d)	9301(1)
216(e), (f)	Rep.
216a	9302(a), (b), (d)
216b(a)-(c)	9303
216b(d)	9305
216b(e)	9304
216c	9303
216d	9305
216e(a)-(c)	9308
216e(d)	2107
216e(e)	2106
216f	9302(c)
216g	9306
216h	9307
216i	Rep.
221	8103
222	8101
223	8301
224	7101, 8101
224a	8303, 8304
224a(2)	7111
225	7106, 7109, 7113
226	7101, 7106, 7703
227	Rep.
228	7101, 7106, 7703
229	7101, 7106, 7703
229a	7101, 7103
229b	7101, 7103
229c	7106, 7108, 7318
229d	Rep.
229e	7105
229f	7110
229g	7103, 7318
229h	Rep.
230	7112
231	7105
232	7110
233	7109
234	3315
235	8104
236	8103
237, 238	Rep.
239	6101, 6301, 7703
239(d)	6303
239(e)	6304, 7705
239(f)	6304
239(g)	6305, 7701

Title 46 Former Sections	*Title 46 New Sections*
239(i)	6306
239(j)	6301, 6307
239(k)	6305
239a(a)	7503(a), 7704(a)
239a(b)	2101(34)
239a(c)	7302
239b(a)	7503(b)
239b(b)	7704(b), (c)
240	7703
241	8304
242	7101, 7102, 8302(a)-(d)
243	7101, 7104, 7107, 7108
244	7101, 7105
245	8302(g), (h)
246(a)	8302(a)-(d)
246(b)	Rep.
246(c)	7703
247	7101
248	8302
249-249c	46 App.
251-251b	46 App.
252-261	Rep.
262	46 App.
263-273	Rep.
274	46 App.
275, 276	Rep.
277	46 App.
278-288	Rep.
289-289b	46 App.
290-293b	46 App.
294-305	Rep.
306-316	46 App.
317, 318	Rep.
319-328	46 App.
329, 330	Rep.
331	2110
332-335	Rep.
336	46 App.
351-355	46 App.
361	2101(16), (37)
362	2109, 3301(9), 3314
362(a)	3303
362(b)	3504
362(c)	3505
363	2109
364	8502
365	Rep.
366	3306
367	2101(16), (33), 2303, 3301(7), 3302
369	3305, 3306, 3316
369(b)	3503
369(e)	3318
371	Rep.
372	2103
373-374a	Rep.
375	3306
376-382a-1	Rep.
382b	2104, 2111, 2112
382b-1	3317(b)
382b-1	46 App.
382c-385	Rep.
390	3302, 3304
390(a)	2101(21)(B)
390(b)	2101(35)
390(d)	2101(34)
390(e)	2101(13)
390(f)	2101(27)
390(g)	2101(30)
390(h)	2101(28)
390(i)	2101(29)
390a	3301(4), (5), (8), 3305
390a(a)	3307(2)
390a(b)	3317(a), 7114
390b	3306, 8901, 8902
390c	3303(a), 3309, 3311
390c(b), (c)	3313
390d	2106, 3318(a), 8906
390e-390g	Rep.
391	3301(1), (4), (9), 3304, 3306
391(b)	3307(3)
391(c)	2101(22), 3307(1)
391(e)	3302
391a	3301(10), 3702, 8502
391a(2)(A)	2101(9)
391a(2)(B)	2101(12)
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ENACTING CLAUSE

Section 1 of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500, provided in part that: "Certain general and permanent laws of the United States, related to vessels and seamen, are revised, consolidated, and enacted as title 46, United States Code, 'Shipping' ".

CONSTRUCTION

Section 2(a)-(f) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 598, provided that:

"(a) Laws effective after December 31, 1982, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

"(b) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision of this Act.

"(c) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision of this Act until repealed, amended, or superseded.

"(d) An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision of this Act.

"(e) An inference of legislative construction is not to be drawn by reason of the caption or catch line of a provision enacted by this Act.

"(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications."

CODIFICATION OF SHIPPING AND MARITIME LAWS BY FEDERAL MARITIME COMMISSION AND SECRETARY OF TRANSPORTATION

Section 2(j) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: "Within 2 years after the date of enactment of this Act [Aug. 26, 1983], the Federal Maritime Commission and the Secretary of Transportation each shall submit to Congress a proposed codification of the laws within their respective jurisdictions related to shipping and maritime matters."

REPEALS AND SAVINGS PROVISION

Section 4(a) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: "The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal."

Section 4(b) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 26, 1983, and except as provided by section 2 of Pub. L. 98-89, set out as notes above and notes under sections 3101, 3302, 3715, and 6301 of this title.

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AMENDMENTS

1985—Pub. L. 99-36, § 1(a)(9)(A), May 15, 1985, 99 Stat. 67, substituted "Merchant Seamen Licenses, Certifications, and" for "Licenses, Certificates, and Merchant Mariners' " in caption for part E.

1984—Pub. L. 98-364, title IV, § 402(7)(A), July 17, 1984, 98 Stat. 446, added "generally" in item 41, reenacted item 43 without change, and added item 45.

PART A—GENERAL PROVISIONS

HISTORICAL AND REVISION NOTES

Part A contains general provisions that apply throughout the subtitle and provisions that apply generally to the operation of all vessels.

CHAPTER 21—GENERAL

Sec.

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HISTORICAL AND REVISION NOTES

Chapter 21 contains definitions that are general in nature and applicable to all references within Subtitle II—Vessels and Seamen. The chapter provides the basic authority and responsibility for the enforcement and administration of this subtitle with appropriate delegation and reporting requirements.

AMENDMENTS

1984—Pub. L. 98-557, § 13(b), Oct. 30, 1984, 98 Stat. 2864, added item 2114.

§ 2101. General definitions

In this subtitle—

(1) "associated equipment"—

(A) means—

(i) a system, accessory, component, or appurtenance of a recreational vessel; or

(ii) a marine safety article intended for use on board a recreational vessel; but

(B) does not include radio equipment.

(2) "barge" means a non-self-propelled vessel.

(3) "Boundary Line" means a line established under section 2(b) of the Act of February 19, 1895 (33 U.S.C. 151).

(3a) "citizen of the United States" means a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note).

(4) "Coast Guard" means the organization established and continued under section 1 of title 14.

(5) "commercial service" includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(6) "consular officer" means an officer or employee of the United States Government designated under regulations to grant visas.

(7) "crude oil" means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which

certain distillate fractions may have been added.

(8) "crude oil tanker" means a tanker engaged in the trade of carrying crude oil.

(9) "discharge", when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

(10) "documented vessel" means a vessel for which a certificate of documentation has been issued under chapter 121 of this title.

(11) "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(11a) "fishing vessel" means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(11b) "fish processing vessel" means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, or brine chilling.

(11c) "fish tender vessel" means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

(12) "foreign vessel" means a vessel of foreign registry or operated under the authority of a country except the United States.

(13) "freight vessel" means a motor vessel of more than 15 gross tons that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(14) "hazardous material" means a liquid material or substance that is—

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 104 of the Hazardous Material[1] Transportation Act (49 U.S.C. 1803);[2]

(15) "marine environment" means—

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)-(C) of this clause.

(16) "motor vessel" means a vessel propelled by machinery other than steam.

(17) "nautical school vessel" means a vessel operated by or in connection with a nautical school.

(18) "oceanographic research vessel" means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(19) "offshore supply vessel" means a motor vessel of more than 15 gross tons but less than 500 gross tons that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources and is not a small passenger vessel.

(20) "oil" includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(21) "passenger"—

(A) on a passenger vessel, means an individual carried on the vessel except—

(i) the master; or

(ii) a crewmember.

(B) on a small passenger vessel or a sailing school vessel, means an individual carried on the vessel except—

(i) the owner or representative of the owner;

(ii) the master or a crewmember engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for services;

(iii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iv) an employee of the demise charterer of the vessel engaged in the business of the demise charterer;

(v) a guest on board a vessel that is being operated only for pleasure, or a guest on board a sailing school vessel, who has not contributed consideration for carriage on board;

(vi) an individual on board a towing vessel of at least 50 gross tons who has not contributed consideration for carriage on board; or

(vii) a sailing school instructor or sailing school student.

(C) on an offshore supply vessel, means an individual carried on the vessel except—

(i) the owner;

(ii) a representative of the owner;

(iii) the master;

(iv) a crewmember engaged in the business of the vessel who has not contributed consideration for carriage on board and who is paid for services on board;

(v) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(vi) a charterer of the vessel;

(vii) a person with the same relationship to a charterer as a person in subclause (ii) or (v) of this subclause has to an owner;

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[1] So in original. Should be "Materials".

[2] So in original. Should be "(49 App. U.S.C. 1803)".

(viii) a person employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel; or

(ix) a guest who has not contributed consideration for carriage on board.

(D) on an uninspected passenger vessel, means an individual carried on the vessel except—

(i) the owner or representative of the owner;

(ii) the managing operator;

(iii) a crewmember engaged in the business of the vessel who has not contributed consideration for carriage on board and who is paid for services on board; or

(iv) a guest on board a vessel that is being operated only for pleasure who has not contributed consideration for carriage on board.

(E) on a fishing, fish processing, or fish tender vessel, means an individual transported on the vessel except—

(i) the owner;

(ii) a representative of the owner;

(iii) the managing operator;

(iv) the master;

(v) a crewmember engaged in the business of the vessel who has not contributed consideration for transportation on board and who is paid for services on board;

(vi) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(vii) a charterer of the vessel;

(viii) a person with the same relationship to a charterer as a person in subclause (ii) or (vi) of this subclause has to an owner; or

(ix) a guest who has not contributed consideration for transportation on board.

(22) "passenger vessel" means a vessel of at least 100 gross tons carrying at least one passenger for hire.

(23) "product carrier" means a tanker engaged in the trade of carrying oil except crude oil.

(24) "public vessel" means a vessel that—

(A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(B) is not engaged in commercial service.

(25) "recreational vessel" means a vessel—

(A) being manufactured or operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure.

(26) "recreational vessel manufacturer" means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.

(27) "sailing instruction" means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include—

(A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

(B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.

(28) "sailing school instructor" means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.

(29) "sailing school student" means an individual who is on board a sailing school vessel to receive sailing instruction.

(30) "sailing school vessel" means a vessel—

(A) that is less than 500 gross tons;

(B) carrying at least 6 individuals who are sailing school instructors or sailing school students;

(C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and

(D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.

(31) "scientific personnel" means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

(32) "seagoing barge" means a non-self-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line.

(33) "seagoing motor vessel" means a motor vessel of at least 300 gross tons making voyages beyond the Boundary Line.

(34) "Secretary" means the head of the department in which the Coast Guard is operating.

(35) "small passenger vessel" means a vessel of less than 100 gross tons carrying more than 6 passengers (as defined in clause (21)(B) and (C) of this section).

(36) "State" means a State of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(37) "steam vessel" means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(38) "tanker" means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(39) "tank vessel" means a vessel that is constructed or adapted to carry, or that car-

ries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States; or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(40) "towing vessel" means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(41) "undocumented" means not having and not required to have a document issued under chapter 121 of this title.

(42) "uninspected passenger vessel" means an uninspected vessel carrying not more than 6 passengers.

(43) "uninspected vessel" means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

(44) "United States", when used in a geographic sense, means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(45) "vessel" has the same meaning given that term in section 3 of title 1.

(46) "vessel of the United States" means a vessel documented or numbered under the laws of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 501; Pub. L. 98-364, title IV, § 402(1), July 17, 1984, 98 Stat. 445; Pub. L. 98-454, title III, § 301(a), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 98-557, § 34(a), Oct. 30, 1984, 98 Stat. 2876.)

HISTORICAL AND REVISION NOTES

A number of definitions are provided because of the need to define jurisdictional and applicability limits of various sections to the many types and classes of vessels.

Revised section	*Source section (U.S. Code)*
2101(1)	46:1452(8)
2101(2)	
2101(3)	
2101(4)	14:1
2101(5)	46:391a(2)(H)
2101(6)	
2101(7)	46:391a(2)(S)
2101(8)	46:391a(2)(N)
2101(9)	46:391a(2)(A)
2101(10)	46:65(1)
2101(11)	46:65(2)
2101(12)	46:391a(2)(B) 46:597 46:599
2101(13)	46:404 46:390(e)
2101(14)	46:391a(2)(C)
2101(15)	46:391a(2)(D)
2101(16)	46:361 46:367 46:404
2101(17)	46:404 46:1295f(c) 46:1295g(e)(1)
2101(18)	46:441(1)
2101(19)	46:404-1(1)
2101(20)	46:391a(2)(E)
2101(21)	46:390(a) 46:404-1(4) 46:1452(5)
2101(22)	46:391(c)
2101(23)	46:391a(2)(O)
2101(24)	46:391a(2)(G)
2101(25)	46:1452(1)(A), (B)
2101(26)	46:1452(7)
2101(27)	46:390(f)
2101(28)	46:390(h)
2101(29)	46:390(i)
2101(30)	46:390(g)
2101(31)	46:441(2)
2101(32)	46:395(e)
2101(33)	46:367
2101(34)	33:151 46:216(b) 46:239a(b) 46:390(d) 46:391a(2)(I) 46:405(b)(1)(A) 46:[illegible](a) 46:672(a) 46:1452(9)
2101(35)	46:390(b)
2101(36)	
2101(37)	46:361
2101(38)	46:391a(2)(M)
2101(39)	46:391a(3)
2101(40)	46:405
2101(41)	46:1452(3)
2101(42)	46:1452(1)(C)
2101(43)	46:526
2101(44)	
2101(45)	1:3 46:1452(2)
2101(46)	46:391a(2)(L)

Section 2101(1) defines the type of "associated equipment" that is involved in the use of recreational boats that are subject to Federal regulatory authority. This equipment is subject to a number of controls under federally established construction and performance standards. Radio equipment is exempt from these regulatory controls, since this equipment continues to be regulated by the Federal Communications Commission.

Section 2101(2) defines "barge" as a vessel that is non-self-propelled and that is often pushed ahead, towed alongside, or towed astern on a hawser by a towing vessel. It does not include a vessel that is propelled by sail only.

Section 2101(3) defines "boundary line" for the establishment of jurisdictional parameters for various maritime safety laws. Public Law 95-324, codified at 33 U.S.C. 151, permits the Secretary to establish appropriate identifiable lines dividing inland waters of the U.S. from the high seas for the purpose of determining the applicability of these laws. These laws will now be included within subtitle II of title 46—Shipping. These lines may not be located more than twelve nautical miles seaward of the baseline from which the territorial sea is measured and may differ in position for the purposes of different parts or sections of subtitle II.

Section 2101(4) defines "Coast Guard".

Section 2101(5) provides that wherever the term "commercial service" is used it is to include all vessels except those that are primarily used for combatant purposes. This is to make sure that vessels that are engaged in the transportation of goods or individuals are subject to the applicable maritime and environmental safety laws, even if they are sovereign controlled vessels.

Section 2101(6) defines "consular officer" as one who has authority to issue visas. Traditionally this person is knowledgeable and familiar with the maritime safety and seamen's welfare laws.

Section 2101(7) defines "crude oil" because certain equipment requirements like inert gas systems, segregated ballast tanks, crude oil washing systems or special ballast arrangements are applicable only to tank vessels that carry crude oil. Crude oil is still included within the definition of "hazardous material" and "oil".

Section 2101(8) defines a "crude oil tanker" as one engaged in carrying crude oil. The definition does not include a tank barge since a tanker is defined as a self-propelled tank vessel. See also 2101(38).

Section 2101(9) makes it clear that the term "discharge" when referring to a substance that emanates from a vessel and is related to the marine environmental laws concerning pollution by oil or hazardous substances.

Section 2101(10) defines a "documented vessel" as any vessel of the United States that has been issued a certificate of documentation that might include a register, enrollment, license, or enrollment and license for various trades.

Section 2101(11) lists what is included in the term "fisheries" for the purpose of documentation of vessels and is intended to be all-inclusive of the numerous types of fishing activities.

Section 2101(12) defines "foreign vessel" as any foreign flag or foreign operated vessel that is operated under the jurisdiction or authority of a government other than the United States.

Section 2101(13) defines a "freight vessel" as a motor vessel or any vessel propelled by diesel or other internal combustion engines and that carries freight for hire.

Section 2101(14) defines "hazardous materials" as a broad range of materials that are not only flammable or combustible but are also designated under related maritime safety and environmental laws.

Section 2101(15) defines "marine environment" as an all-inclusive term that was developed to cover land and water areas that could be affected by pollution from all vessels and not only tank vessels.

Section 2101(16) defines "motor vessel" as a vessel propelled by machinery other than steam to make it clear that these vessels are not steam vessels.

Section 2101(17) defines "nautical school vessel" as a vessel that can be a privately owned and operated as well as a publicly owned and operated school vessel.

Section 2101(18) defines "oceanographic research vessel" as a vessel employed in oceanography or limnology research or instruction. It is defined because this type of vessel, while not inspected and certified as such, is subject to a number of special statutory and regulatory requirements.

Section 2101(19) defines "offshore supply vessel" as a class of vessel that is limited by tonnage and its employment in the mineral and oil industry and while so employed it is not a small passenger vessel.

Section 2101(20) defines "oil" to include oil of any type, in any form, or in any mixture. This is the definition that originated with marine environment and pollution laws and continues the definition that was adopted by port and tanker safety laws.

Section 2101(21) defines the term "passengers" in relation to various types of vessels. Due to the complexity of existing laws with respect to the definitions of "passenger" on various categories of vessels and the need to not make any changes of a substantive nature that could be construed as controversial, four definitions of "passenger" have been included.

Section 2101(22) defines "passenger vessel" as one that is at least 100 gross tons and carries at least one passenger for hire.

Section 2101(23) defines "product carrier" as a tanker that is engaged in carrying oil. This definition when read with the definition of tanker means that it is a self-propelled vessel. A tank barge carrying oil products is a tank vessel but is not subject to the special standards or requirements for a product carrier.

Section 2101(24) defines a "public vessel" as a governmental vessel that is not in commercial service. It should be noted that a sovereign-controlled foreign-flag vessel that is engaged in commercial service is not a public vessel and is subject to maritime safety and environment laws.

Section 2101(25) defines a "recreational vessel" as a class of vessel whose primary purpose is for pleasure. These vessels while not subject to inspection are subject to certain requirements of law to improve boating safety.

Section 2101(26) defines a "recreational vessel manufacturer" as one that is involved with not only the recreational vessels themselves but also with their components or associated equipment.

Section 2101(27), (28), (29), and (30) provides a number of definitions that define the type of instruction, instructor, student, and vessel that is involved in the teaching of sailing.

Section 2101(31) defines "scientific personnel" as individuals engaged in oceanography or limnology because they are specially treated under various maritime safety requirements.

Section 2101(32) defines a "seagoing barge" as a vessel that is at least 100 gross tons making voyages to sea beyond the boundary line.

Section 2101(33) defines a "seagoing motor vessel" as a vessel that must be a motor vessel, as defined in 2101(15), of at least 300 gross tons making voyages to sea beyond the boundary line.

Section 2101(34) defines "Secretary" so that maritime safety and seamen's welfare jurisdiction remains within the Coast Guard at all times.

Section 2101(35) defines "small passenger vessel" as one that is less than 100 gross tons carrying more than six passengers as defined in section 2101(21).

Section 2101(36) defines "State" as a State, territory or possession of the United States and is used to establish jurisdictional limits for the application of the various maritime safety and environmental safety laws of this subtitle. This definition is further limited by definitions in section 2102 that relate to recreational boating safety and facility improvement programs.

Section 2101(37) defines a "steam vessel" as a vessel propelled by steam. However, steam vessels of not more than 40 feet that are used exclusively for pleasure are not included.

Section 2101(38) defines "tanker" as a self-propelled tank vessel that has been constructed or primarily adapted to carry oil or hazardous material in bulk in the cargo spaces. This vessel is a subclass of tank vessel, which is defined in section 2101(39). This subclass definition is necessary because certain statutory minimum requirements that are consistent with internationally accepted standards are solely applicable to these vessels.

Section 2101(39) defines a "tank vessel" as a vessel carrying oil or hazardous materials in bulk or residue including a tanker as defined in section 2101(38).

Section 2101(40) defines "towing vessel" as a vessel in commercial service that pushes, pulls, or tows alongside and includes what is traditionally known as a tug.

Section 2101(41) defines "undocumented" which, in part, facilitates the classification of vessels that may be numbered by the proper issuing authority in a State.

Section 2101(42) defines an "uninspected passenger vessel" as a vessel carrying six or less passengers.

Section 2101(43) defines an "uninspected vessel" as a vessel not subject to inspection and certification by the Coast Guard under section 3301. Recreational vessels and inland towing vessels are typical uninspected vessels.

Section 2101(44) defines "United States" to establish geographical boundaries for the applicability of the various maritime safety and environmental safety laws of this subtitle. This definition is further limited by definitions in section 2102 that relate to recreational boating safety and facility improvement programs.

Section 2101(45) makes it clear that "vessel" as used in this subtitle has the same meaning as is provided in section 3 of title 1, of the U.S.C.

Section 2101(46) defines "vessel of the United States" as a vessel that is documented or numbered under the laws of the United States. A documented vessel and those vessels that are numbered by a State or Federal authority are afforded the protection of the laws of the United States.

Amendments

1984—Par. (3a). Pub. L. 98–454 added par. (3a).

Par. (11). Pub. L. 98-364, § 402(1)(A), substituted "'fish' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant lift, except marine mammals and birds" for "'fisheries' includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation at a place in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811)", which is now covered in section 12101 of this title.

Pars. (11a) to (11c). Pub. L. 98-364, § 402(1)(B), added pars. (11a) to (11c).

Par. (21)(B). Pub. L. 98-557, § 34(a)(1), added reference to a sailing school vessel in the provisions preceding cl. (i).

Par. (21)(E). Pub. L. 98-364, § 402(1)(C), added subpar. (E).

Par. (27). Pub. L. 98-557, § 34(a)(2), designated existing provisions as subpar. (A) and added subpar. (B).

SHORT TITLE OF 1984 AMENDMENT

Section 401 of title IV of Pub. L. 98-364 provided that: "This title [enacting sections 4501 to 4504, and 7311a of this title, amending sections 2101, 3301, 3302, 3304, 3306, 3702, 7111, 7301, 7306, 7312, 8102, 8104, 8701, 8702, 10101, 11108, 11109, and 12101 of this title and enacting provisions set out as a note under section 3302 of this title] may be cited as the 'Commercial Fishing Industry Vessel Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2102, 3701 of this title; sections 446c, 808a of Appendix to this title; title 15 section 2052; title 33 section 1225.

§ 2102. Limited definitions

In chapters 43 and 123 of this title and part I of this subtitle—

(1) "eligible State" means a State that has a State recreational boating safety program accepted by the Secretary.

(2) "State" and "United States", in addition to their meanings under section 2101(36) and (44) of this title, include the Trust Territory of the Pacific Islands.

(3) "State recreational boating safety program" means education, assistance, and enforcement activities conducted for marine casualty prevention, reduction, and reporting for recreational boating.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 505; Pub. L. 98-369, div. A, title X, § 1011(a), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2102	46:1452(10)-(14)

Section 2102 contains a number of definitions that are limited to recreational vessels in Chapter 43 of Part B and the numbering of these vessels in Chapter 123 of Part H.

AMENDMENTS

1984—Par. (1). Pub. L. 98-369, § 1011(a)(1), struck out "and facilities improvement" after "recreational boating safety".

Par. (3). Pub. L. 98-369, § 1011(a)(2), (3), redesignated par. (5) as (3) and struck out former par. (3) which defined a State recreational boating facilities improvement program.

Par. (4). Pub. L. 98-369, § 1011(a)(2), struck out par. (4) which defined State recreational boating safety and facilities improvement program.

Par. (5). Pub. L. 98-369, § 1011(a)(3), redesignated par. (5) as (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 2103. Superintendence of the merchant marine

The Secretary has general superintendence over the merchant marine of the United States and of merchant marine personnel insofar as the enforcement of this subtitle is concerned and insofar as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government. In the interests of marine safety and seamen's welfare, the Secretary shall enforce this subtitle and shall carry out correctly and uniformly administer this subtitle and regulations prescribed under this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2103	46:2 46:372 46:689

Section 2103 provides the Secretary with the authority to superintend the merchant marine and those involved personnel insofar as the vessels and personnel are not subject, under other laws, to the supervision of another official. The Secretary has the duty to enforce the laws with respect to vessels and seamen and to carry out correctly and uniformly these laws and regulations. The term "superintendence" is used to indicate the Secretary's broad responsibility for overseeing maritime safety and seamen's welfare, including employment, shipping, navigation, and protection of the marine environment.

§ 2104. Delegation

(a) The Secretary may delegate the duties and powers conferred by this subtitle to any officer, employee, or member of the Coast Guard, and may provide for the subdelegation of those duties and powers.

(b) When this subtitle authorizes an officer or employee of the Customs Service to act in place of a Coast Guard official, the Secretary may designate that officer or employee subject to the approval of the Secretary of the Treasury.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2104	46:65v(1) 46:382b 46:416 46:543 46:689

Section 2104 provides the Secretary with authority to delegate duties and powers to others. It also contains the authority to designate an officer or employee of the United States Customs Service to act in the place of a Coast Guard official.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 136q.

§ 2105. Report

The Secretary shall provide for the investigation of the operation of this subtitle and of all laws related to marine safety, and shall require that a report be made to the Secretary annually about those matters that may require improvement or amendment.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2105	46:4

Section 2105 requires the Secretary to investigate the operation of this subtitle and all laws related to maritime safety and requires appropriate reports to ensure that the Secretary is attentive to all the shipping laws under the Secretary's superintendence.

§ 2106. Liability in rem

When a vessel is made liable in rem under this subtitle, the vessel may be libeled and proceeded against in a district court of the United States in which the vessel is found.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2106	46:170(14) 46:216e(e) 46:390d 46:391a(14)(C) 46:436 46:462 46:481(c) 46:497 46:526o 46:672(j) 46:1484(b)

Section 2106 provides that when a vessel is made liable in rem the vessel may be libeled and proceeded against in a United States district court.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 136q.

§ 2107. Civil penalty procedures

(a) After notice and an opportunity for a hearing, a person found by the Secretary to have violated this subtitle or a regulation prescribed under this subtitle for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this subtitle until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2107	33:364 46:7 46:65u 46:216e(d) 46:391a(14) 46:526o 46:526p 46:1484(c)

Section 2107 provides for standard procedures for the handling of civil penalties for infractions of law or regulation. Some changes were made to increase some antiquated and inadequate penalties.

The assessment of civil penalties under this section should not require an "on the record" hearing within the meaning of the Administrative Procedures Act (APA). It is intended that these civil penalties be assessed in a fair manner. However, the Committee recognizes that statutes passed in the last decade have involved the Coast Guard in tens of thousands of civil penalty enforcement cases and that it is necessary that the penalties be assessed efficiently. The Coast Guard's procedural regulations for assessing civil penalties ensure that the essential elements of due process, notice, and opportunity to be heard, are provided to alleged violators (see 33 CFR Subpart 1.07). The more rigid and time-consuming procedures applicable to APA adjudications are unwarranted in the case of Coast Guard civil penalty assessment procedures and would seriously hamper the orderly enforcement of these administrative penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 83k, 251a, 883–1, 883a of Appendix to this title.

§ 2108. Refund of penalties

The Secretary may refund or remit a civil penalty collected under this subtitle if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 507.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2108	46:8

Section 2108 provides for the refunding of civil penalties.

§ 2109. Public vessels

This subtitle does not apply to a public vessel of the United States. However, this subtitle does apply to a vessel (except a Coast Guard or a Saint Lawrence Seaway Development Corporation vessel) owned or operated by the Department of Transportation or by any corporation organized or controlled by the Department.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 507.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2109	46:362 46:363 46:391a(4)

Section 2109 exempts public vessels from the applicability of the maritime safety and seamen's welfare laws of this subtitle although some public vessels are inspected under interagency voluntary agreements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 App. section 1806.

§ 2110. Fees prohibited

Fees may not be charged or collected by the Secretary for services provided for in this subtitle related to the engagement and discharge of seamen, the inspection and examination of vessels, the licensing of masters, mates, pilots, and engineers, and the measurement or documentation of vessels, except when specifically provided for in this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 507.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2110	46:331

Section 2110 prevents the assessment of user fees for certain maritime safety and seamen's welfare services unless otherwise provided for by law. These include:

Measurement of tonnage and certifying the same, except that the compensation and necessary travel and subsistence expenses of the officers so measuring or certifying such vessels at the request of the owners thereof at a place other than a port of entry or a customs station shall be paid by such owners; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list; certificate of protection to seamen; bill of health; shipping or discharging of seamen; apprenticing boys to the merchant service; inspecting, examining, and licensing steam vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel.

§ 2111. Pay for overtime services

(a) The Secretary may prescribe a reasonable rate of extra pay for overtime services of civilian officers and employees of the Coast Guard required to remain on duty between 5 p.m. and 8 a.m., or on Sundays or holidays, to perform services related to—

(1) the inspection of vessels or their equipment;

(2) the engagement and discharge of crews of vessels;

(3) the measurement of vessels; and

(4) the documentation of vessels.

(b) Except for Sundays and holidays, the overtime rate provided under subsection (a) of this section is one-half day's additional pay for each 2 hours of overtime (or part of 2 hours of at least one hour). The total extra pay may be not more than 2 and one-half days' pay for any one period from 5 p.m. to 8 a.m.

(c) The overtime rate provided under subsection (a) of this section for Sundays and holidays is 2 additional days' pay.

(d) The owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall pay the amount of the overtime pay provided under this section to the official designated by regulation. The official shall deposit the amount paid to the Treasury as miscellaneous receipts. Payment to the officer or employee entitled to the pay shall be made from the annual appropriations for salaries and expenses of the Coast Guard.

(e) The overtime pay provided under this section shall be paid if the authorized officers and employees have been ordered to report for duty and have reported, even if services requested were not performed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 507.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2111	46:382b

Section 2111 provides for the payment of overtime rates for work performed by civilian officers and employees of the Coast Guard for certain specified activities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2112 of this title; title 5 section 5549.

§ 2112. Authority to change working hours

In a port at which the customary working hours begin before 8 a.m. or end after 5 p.m., the Secretary may regulate the working hours of the officers and employees referred to in section 2111 of this title so that those hours conform to the prevailing working hours of the port. However—

(1) the total period for which overtime pay may be required under section 2111 of this title may not be more than 15 hours between any 2 periods of ordinary working hours on other than Sundays and holidays;

(2) the length of the working day for the officers and employees involved may not be changed; and

(3) the rate of overtime pay may not be changed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
2112	46:382b

Section 2112 provides the Secretary with the authority to regulate the working hours of civilian officers and employees of the Coast Guard to conform with the prevailing working hours of a port.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5549.

§ 2113. Authority to exempt certain vessels

If the Secretary decides that the application of a provision of part B or F of this subtitle is not necessary in performing the mission of a vessel engaged in excursions or an oceanographic research vessel, the Secretary by regulation may—

(1) for an excursion vessel, issue a special permit specifying the conditions of operation and equipment; and

(2) exempt the oceanographic research vessel from that provision under conditions the Secretary may specify.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
2113	46:445 46:453

Section 2113 provides the Secretary with the authority to exempt certain vessels from the inspection and manning requirements of law when vessels are engaged in excursions or oceanographic research. This is the authority of the issuance of excursion permits when special circumstances justify the waiver of certain maritime safety and seamen's welfare laws for a short period of time. It also contains flexible exemption authority for regulation of oceanographic research vessels.

§ 2114. Protection of seamen against discrimination

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred.

(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

(1) restraining violations of this section; and

(2) reinstatement to the seaman's former position with back pay.

(Added Pub. L. 98-557, § 13(a), Oct. 30, 1984, 98 Stat. 2863.)

CHAPTER 23—OPERATION OF VESSELS GENERALLY

Sec.
2301. Application.
2302. Penalties for negligent operations.
2303. Duties related to marine casualty assistance and information.
2304. Duty to provide assistance at sea.
2305. Injunctions.
2306. Vessel reporting requirements.

HISTORICAL AND REVISION NOTES

Chapter 23 lists requirements that relate to the general operation of all vessels. These include penalties and injunctive relief for negligent operation of a vessel. It also provides penalties for failure to render assistance.

AMENDMENTS

1984—Pub. L. 98-498, title II, § 212(a)(1), Oct. 19, 1984, 98 Stat. 2305, added item 2306.

§ 2301. Application

Except as provided in section 2306 of this title, this chapter applies to a vessel operated on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98-498, title II, § 212(a)(2), Oct. 19, 1984, 98 Stat. 2305.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
2301	46:480

Section 2301 provides that this chapter is applicable to all vessels, including foreign flag vessels, when operating on waters subject to the jurisdiction of the United States. Any vessel owned in the United States while operating on the high seas would be included. By ownership the Committee means those vessels that are documented or numbered under United States laws and those other vessels that are neither documented or numbered but are of national origin and are not documented under the laws of a foreign nation. This chapter is applicable to a foreign flag vessel that is in innocent passage through territorial waters of the United States, presently 3 miles seaward, whether or not it is bound to or from a port subject to the jurisdiction of the United States.

AMENDMENTS

1984—Pub. L. 98-498 substituted "Except as provided in section 2306 of this title, this chapter" for "This chapter".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

§ 2302. Penalties for negligent operations

(a) A person operating a vessel in a negligent manner that endangers the life, limb, or property of a person is liable to the United States Government for a civil penalty of not more than $1,000.

(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person shall be fined not more than $5,000, imprisoned for not more than one year, or both.

(c) An individual who is intoxicated when operating a vessel, as determined under standards prescribed by the Secretary by regulation, shall be—

(1) liable to the United States Government for a civil penalty of not more than $1,000; or

(2) fined not more than $5,000, imprisoned for not more than one year, or both.

(d) For a penalty imposed under this section, the vessel also is liable in rem unless the vessel is—

(1) owned by a State or a political subdivision of a State;

(2) operated principally for governmental purposes; and

(3) identified clearly as a vessel of that State or subdivision.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98-557, § 7(a), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2302(a)	46:1461(d) 46:1484(b)
2302(b)	46:1461(d) 46:1483
2302(c)	46:1484(b)

Section 2302 states that the negligent operation of a vessel is prohibited. These acts are subject to civil and criminal penalties and the involved vessel is subject to an in rem action. The negligent operation provisions have their genesis in the Act of April 25, 1940, 54 Stat. 167, when Congress prescribed that no person shall operate any motorboat or *any vessel* in a reckless or negligent manner. This provision was directed at all vessels and not those solely engaged in recreational boating. When the Federal Boat Safety Act of 1971, P.L. 92-75, 85 Stat. 217 (46 U.S.C. 1461) was enacted it adopted the reckless or negligent operation provisions of the 1940 Act. It adopted for the first time a provision for assessing civil penalties in addition to criminal penalties. It dropped the word "reckless" because of redundancy. It also combined the two classes of vessels; "any motorboat or any vessel" into one class by using the word "vessel" and defined vessel as including every description of watercraft.

AMENDMENTS

1984—Subsecs. (c), (d). Pub. L. 98-557 added subsec. (c) and redesignated former subsec. (c) as (d).

§ 2303. Duties related to marine casualty assistance and information

(a) The master or individual in charge of a vessel involved in a marine casualty shall—

(1) render necessary assistance to each individual affected to save that affected individual from danger caused by the marine casualty, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or to individuals on board; and

(2) give the master's or individual's name and address and identification of the vessel to the master or individual in charge of any other vessel involved in the casualty, to any individual injured, and to the owner of any property damaged.

(b) An individual violating this section or a regulation prescribed under this section shall be fined not more than $1,000 or imprisoned for not more than 2 years. The vessel also is liable in rem to the United States Government for the fine.

(c) An individual complying with subsection (a) of this section or gratuitously and in good faith rendering assistance at the scene of a marine casualty without objection by an individual assisted, is not liable for damages as a result of rendering assistance or for an act or omission in providing or arranging salvage, towage, medical treatment, or other assistance when the individual acts as an ordinary, reasonable, and prudent individual would have acted under the circumstances.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 509.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2303(a)	33:367 46:1465(a)
2303(b)	33:368
2303(c)	46:1465(b)

Section 2303 requires a master or anyone in charge of a vessel to provide assistance and render aid to those involved in a marine casualty and to exchange information in a manner similar to automobile accident cases. It also includes a "Good Samaritan" clause that exonerates anyone from liability when rendering assistance in an ordinary, reasonable, or prudent manner.

§ 2304. Duty to provide assistance at sea

(a) A master or individual in charge of a vessel shall render assistance to any individual found at sea in danger of being lost, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or individuals on board.

(b) A master or individual violating this section shall be fined not more than $1,000, imprisoned for not more than 2 years, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 509.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2304	46:728

Section 2304 requires a master or individual in charge of a vessel to render assistance to those in danger at sea if able to do so without seriously endangering the vessel or crew.

§ 2305. Injunctions

(a) The district courts of the United States have jurisdiction to enjoin the negligent operation of vessels prohibited by this chapter on the petition of the Attorney General for the United States Government.

(b) When practicable, the Secretary shall—

(1) give notice to any person against whom an action for injunctive relief is considered under this section an opportunity to present that person's views; and

(2) except for a knowing and willful violation, give the person a reasonable opportunity to achieve compliance.

(c) The failure to give notice and opportunity to present views under subsection (b) of this section does not preclude the court from granting appropriate relief.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 509.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2305	46:1465

Section 2305 provides injunctive authority to enjoin the negligent operation of vessels. This authority can also be used to enjoin the operation of foreign or domestic vessels on our waters when they are unsuitable for the voyage intended.

§ 2306. Vessel reporting requirements

(a)(1) An owner, charterer, managing operator, or agent of a vessel of the United States, having reason to believe (because of lack of communication with or nonappearance of a vessel or any other incident) that the vessel may have been lost or imperiled, immediately shall—

(A) notify the Coast Guard; and

(B) use all available means to determine the status of the vessel.

(2) When more than 48 hours have passed since the owner, charterer, managing operator, or agent of a vessel required to report to the United States Flag Merchant Vessel Location Filing System under authority of section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a), has received a communication from the vessel, the owner, charterer, managing operator, or agent immediately shall—

(A) notify the Coast Guard; and

(B) use all available means to determine the status of the vessel.

(3) A person notifying the Coast Guard under paragraph (1) or (2) of this subsection shall provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard. The owner, charterer, managing operator, or agent also shall submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under those paragraphs.

(4) An owner, charterer, managing operator, or agent violating this subsection is liable to the United States Government for a civil penalty of not more than $5,000 for each day during which the violation occurs.

(b)(1) The master of a vessel of the United States required to report to the System shall report to the owner, charterer, managing operator, or agent at least once every 48 hours.

(2) A master violating this subsection is liable to the Government for a civil penalty of not more than $1,000 for each day during which the violation occurs.

(c) The Secretary may prescribe regulations to carry out this section.

(Added Pub. L. 98-498, title II, § 212(a)(3), Oct. 19, 1984, 98 Stat. 2305.)

EFFECTIVE DATE

Section 214 of Pub. L. 98-498 provided that: "Sections 211(a) and 212 of this subtitle [enacting this section and amending sections 2302, 3309, 6101, and 6103 of this title] are effective one hundred and eighty days after the date of enactment of this Act [Oct. 19, 1984]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2301 of this title.

PART B—INSPECTION AND REGULATION OF VESSELS

HISTORICAL AND REVISION NOTES

Part B provides authority and responsibility for the inspection and regulation of vessels by the Coast Guard. This part specifies those vessels subject to inspection, those that are specifically exempt from inspection, and related inspection requirements and procedures. Due to the need for special requirements for the inspection and regulation of passenger vessels and those vessels carrying liquid bulk dangerous cargoes separate chapters have been developed. Additional chapters provide for recreational vessels and those other vessels that are regulated but are not subject to inspection and certification by the Coast Guard. It should also be noted that the United States is signatory to a number of international treaties on maritime safety and seamen's welfare, such as the various Safety of Life at Sea (SOLAS) treaties, and that their provisions and requirements are part of United States maritime law and in many cases are quite extensive.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2113, 7111, 7113, 8101, 8104, 8303, 8501, 8502 of this title; title 49 section 10542.

CHAPTER 31—GENERAL

Sec.
3101. Authority to suspend inspection.
3102. Exposure suits.

AMENDMENTS

1985—Pub. L. 99-36, § 2, May 15, 1985, 99 Stat. 68, repealed section 22 of Pub. L. 98-557 and the amendments made by that section, which added first identical item 3102, effective Nov. 8, 1984, thereby leaving Pub. L. 98-623 as the sole authority for the addition of item 3102. See 1984 Amendment note below.

1984—Pub. L. 98-557, § 22(a)(2), Oct. 30, 1984, 98 Stat. 2871, and Pub. L. 98-623, title VII, § 701(a)(2), Nov. 8, 1984, 98 Stat. 3413, added identical item 3102. See 1985 Amendment note above.

§ 3101. Authority to suspend inspection

When the President decides that the needs of foreign commerce require, the President may suspend a provision of this part for a foreign-built vessel registered as a vessel of the United States on conditions the President may specify.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 510.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3101	46:82

Section 3101 provides the President with the authority to suspend the inspection laws for a foreign-built reflagged U.S. vessel when the needs of foreign commerce require this. For example, if a foreign-flag vessel is reflagged in the U.S. but does not meet the specific Coast Guard inspection requirements, the President could suspend these requirements.

EFFECTIVE DATE

Section 2(g)(1) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: "Part B [chapters 31 to 43] of subtitle II and sections 7306 (related to able seaman sail) and 7311 of title 46 (as enacted by section 1 of this Act) take effect April 15, 1984, or when regulations for sailing school vessels under part B are effective, whichever is earlier." [As of Apr. 15, 1984, regulations for sailing school vessels under part B had not become effective.]

§ 3102. Exposure suits

(a) The Secretary shall by regulation require exposure suits on vessels designated by the Secretary that operate in the Atlantic Ocean north of 32 degrees North latitude or south of 32 degrees South latitude and in all other waters north of 35 degrees North latitude or south of 35 degrees South latitude. The Secretary may not exclude a vessel from designation under this section only because that vessel carries other lifesaving equipment.

(b) The Secretary shall establish standards for an exposure suit required by this section, including standards to guarantee adequate thermal protection, buoyance, and flotation stability.

(c)(1) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than $25,000, imprisoned for not more than 5 years, or both.

(Added Pub. L. 98-557, § 22(a)(1), Oct. 30, 1984, 98 Stat. 2871; Pub. L. 98-623, title VII, § 701(a)(1), Nov. 8, 1984, 98 Stat. 3413; Pub. L. 99-36, § 2, May 15, 1985, 99 Stat. 68.)

CODIFICATION

Pub. L. 98-557 and Pub. L. 98-623 enacted identical section 3102 of this title. Section 22 of Pub. L. 98-557, which enacted first identical section 3102 of this title, was repealed by section 2 of Pub. L. 99-36, set out below as a Repeal of Duplicate Section note.

REPEAL OF DUPLICATE SECTION 3102; REFERENCES THERETO AND REGULATIONS AND ACTIONS THEREUNDER

Section 2 of Pub. L. 99-36 provided that: "Section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2871), and the amendments made by such section [enacting first identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title], are repealed as of November 8, 1984. Regulations prescribed and actions taken under, and references to, such section and the amendments made by such section are deemed to be regulations prescribed and actions taken under, and references to, section 701 of the Act of November 8, 1984 (Public Law 98-623; 98 Stat. 3413), and the amendments made by such section 701 [enacting second identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title]."

REGULATIONS

Section 701(b), (c) of title VII of Pub. L. 98-623 provided:

"(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

"(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this title [Nov. 8, 1984]." [Regulations effective Dec. 30, 1984, see 49 F.R. 50722, Dec. 31, 1984.]

Similar provisions were contained in section 22(b), (c) of Pub. L. 98-557, which was repealed by section 2 of Pub. L. 99-36, set out above as a Repeal of Duplicate Section note.

CHAPTER 33—INSPECTION GENERALLY

Sec.
3301. Vessels subject to inspection.
3302. Exemptions.
3303. Reciprocity for foreign vessels.
3304. Carrying individuals in addition to crew.
3305. Scope and standards of inspection.
3306. Regulations.
3307. Frequency of inspection.
3308. Examinations.
3309. Certificate of inspection.
3310. Records of certification.
3311. Certificate of inspection required.
3312. Display of certificate of inspection.
3313. Compliance with certificate of inspection.
3314. Expiration of certificate of inspection.
3315. Disclosure of defects and protection of informants.
3316. United States classification societies.
3317. Fees.
3318. Penalties.

HISTORICAL AND REVISION NOTES

Chapter 33 consolidates the laws governing the inspection and certification of vessels by the Coast Guard that have developed over a period in excess of 140 years. The original laws were directed to the safety of the relatively new and potentially dangerous steam vessel. The demand for Federal remedial legislation began during the early 1800's after frequent and disastrous explosions of steam boilers on passenger vessels. This directly led to the first maritime safety laws in 1838 that required periodic inspection and certification of vessels engaged in the transportation of passengers and freight on the waters of the United States. This was followed by a more extensive steamboat inspection law in 1852 which adopted for the first time the principle of licensing for river pilots and engineers. It also created a new Federal maritime safety inspection service called the Federal Inspection Service that eventually became the Bureau of Marine Inspection and Navigation, whose duties were temporarily assumed in 1941 and permanently assumed in 1946 by the United States Coast Guard.

In 1864 the principal inspection and licensing provisions of the 1852 act were made applicable to ferries, towing vessels, and canal boats. However, steamboat explosions continued with high loss of life and property. One of the greatest of all disasters, the destruction of the passenger vessel *Sultana* by explosion and fire with a loss of life estimated at more than 1500 lives in April 1865, led to renewed legislation efforts. In 1871 this culminated with legislation that combined a number of new requirements into a coherent and unified body of maritime safety laws. At the time of the adoption of the Revised Statutes in 1874, a maritime safety code was well established for vessels propelled in whole or in part by steam.

In the more than 100 years since then, as the public recognized the need for vessel safety legislation, primarily as the result of maritime disasters, other classes of vessels were subjected to Federal inspection or regulatory control. These included vessels propelled by gas, fluid, naphtha, or electric motors in 1897; sail vessels and barges carrying passengers for hire in 1898; seagoing barges in 1908; motorboats in 1910; steam vessels owned by the Department of Commerce in 1919; seagoing vessels of 300 gross tons and over on June 20, 1936; all tank vessels carrying flammable or combustible liquid cargo in bulk regardless of size or means of propulsion of June 23, 1936; motorboats again in 1940; all vessels carrying more than six passengers in 1956; tank vessels again in 1978; and offshore supply vessels in 1980. There was also considerable legislation that amended or supplemented these primary maritime safety laws.

The net result has been a patchwork quilt of categories and classifications that requires a tabulation of more than seventy different classes of inspected vessels. This revision gathers into one section of the law all classes of vessels that are subject to inspection and certification without changing the application of present law as to any one class of vessel. The revision does not alter the application of the present law so as to expand inspection requirements to any vessel presently not subject to inspection nor to remove from inspection any vessel that is presently subject to inspection.

Chapter Referred to in Other Sections

This chapter is referred to in sections 8101, 8301 of this title.

§ 3301. Vessels subject to inspection

The following categories of vessels are subject to inspection under this part:

(1) freight vessels.
(2) nautical school vessels.
(3) offshore supply vessels.
(4) passenger vessels.
(5) sailing school vessels.
(6) seagoing barges.
(7) seagoing motor vessels.
(8) small passenger vessels.
(9) steam vessels.
(10) tank vessels.
(11) fish processing vessels.
(12) fish tender vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 510; Pub. L. 98-364, title IV, § 402(2), July 17, 1984, 98 Stat. 445.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3301(1)	46:391 46:404
3301(2)	46:1295f(c)
3301(3)	46:404-1
3301(4)	46:390a 46:391
3301(5)	46:390a
3301(6)	46:395
3301(7)	46:367
3301(8)	46:390a
3301(9)	46:362 46:391 46:405
3301(10)	46:391a

Section 3301 lists all classes of vessels that are subject to inspection and certification by the Coast Guard. This section represents one of the sought-after advantages of the bill to simplify access to the provisions of law governing the regulation of vessels. Under the present law, a vessel's inspection status must be determined by examining a table appearing at section 2.01-7A of title 46, Code of Federal Regulations that divides all vessels into more than 70 separate classes.

It is important to note that while the classes of vessels are now limited to ten, there is no prohibition against developing regulations to meet the special needs of various size vessels within any one category. For example, it is expected that the Coast Guard will continue the practice of establishing standards for freight vessels of not more than 100 gross tons and other standards for larger freight vessels.

It should also be noted that a particular vessel can, when engaged in various types of operations, be subject to varying inspection laws. For example, an offshore supply vessel could be classed as a small passenger vessel or a passenger vessel when it operates as a crew boat carrying individuals other than those defined in section 2101(21). If the offshore supply vessel is 500 gross tons and over it would then be subject to inspection as a seagoing motor vessel, a freight vessel, or a passenger vessel.

Amendments

1984—Pars. (11), (12). Pub. L. 98-364 added pars. (11) and (12).

Effective Date

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

Short Title of 1984 Amendment

Pub. L. 98-498, title II, subtitle A (§§ 210-214), § 210, Oct. 19, 1984, 98 Stat. 2303, provided that: "This subtitle [enacting section 2306 of this title, amending sections 2301, 3309, 3311, 3318, 6101, and 6103 of this title and section 183 of the Appendix to this title, and enacting provisions set out as notes under section 2306 of this title and section 183 of the Appendix to this title] may be cited as the 'Maritime Safety Act of 1984'."

Section Referred to in Other Sections

This section is referred to in sections 2101, 3302 of this title.

§ 3302. Exemptions

(a) A vessel is not excluded from one category only because the vessel is—

(1) included in another category of section 3301 of this title; or

(2) excluded by this section from another category of section 3301 of this title.

(b) A fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section 3301(1), (7), (11), and (12) of this title.

(c)(1) A fish processing vessel of not more than 5,000 gross tons is exempt from section 3301(1), (6), (7), (11), and (12) of this title.

(2) A fish tender vessel of not more than 500 gross tons is exempt from section 3301(1), (6), (7), (11), and (12) of this title.

(d)(1) A motor vessel of less than 150 gross tons, constructed before August 23, 1958, is not subject to inspection under section 3301(1) of this title if the vessel is owned or demise chartered to a cooperative or association that only transports cargo owned by at least one of its members on a nonprofit basis between places within the waters of—

(A) southeastern Alaska shoreward of the Boundary Line; or

(B) southeastern Alaska shoreward of the Boundary Line and—

(i) Prince Rupert, British Columbia; or

(ii) waters of Washington shoreward of the Boundary Line, via sheltered waters, as defined in article I of the treaty dated December 9, 1933, between the United States and Canada defining certain waters as sheltered waters.

(2) The transportation authorized under this subsection is limited to and from places not receiving annual weekly transportation service from any part of the United States by an established water common carrier. However, the limitation does not apply to transporting cargo of a character not accepted for transportation by that carrier.

(e) A vessel laid up, dismantled, or out of commission is exempt from inspection.

(f) Section 3301(4) and (8) of this title does not apply to an oceanographic research vessel because it is carrying scientific personnel.

(g)(1) Except when compliance with major structural or major equipment requirements is necessary to remove an especially hazardous condition, an offshore supply vessel is not subject to regulations or standards for those requirements if the vessel—

(A) was operating as an offshore supply vessel before January 2, 1979; or

(B) was contracted for before January 2, 1979, and entered into service as an offshore supply vessel before October 6, 1980.

(2) After December 31, 1988, this subsection does not apply to an offshore supply vessel that is at least 20 years of age.

(h) An offshore supply vessel operating on January 1, 1979, under a certificate of inspection issued by the Secretary, is subject to an inspection standard or requirement only if the standard or requirement could have been prescribed for the vessel under authority existing under law on October 5, 1980.

(i)(1) The Secretary may issue a permit exempting a vessel from any part of the requirements of this part for vessels transporting cargo, including bulk fuel, from one place in Alaska to another place in Alaska only if the vessel—

(A) is not more than 300 gross tons;

(B) is in a condition that does not present an immediate threat to the safety of life or the environment; and

(C) was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel that was operating in the waters off Alaska as of June 1, 1976, if the vessel being replaced is no longer in service.

(2) Except in a situation declared to be an emergency by the Secretary, a vessel operating under a permit may not transport cargo to or from a place if the cargo could be transported by another commercial vessel that is reasonably available and that does not require exemptions to operate legally or if the cargo could be readily transported by overland routes.

(3) A permit may be issued for a specific voyage or for not more than one year. The permit may impose specific requirements about the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and restrictions contained in the permit shall be at the sole discretion of the Secretary.

(4) A designated Coast Guard official who has reason to believe that a vessel issued a permit is in a condition or is operated in a manner that creates an immediate threat to the safety of life or the environment or is operated in a manner that is inconsistent with the terms of the permit, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(5) If a vessel issued a permit creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of paragraph (2) of this subsection, the permit may be revoked. The owner, charter,[1] managing operator, agent, master, or individual in charge of a vessel issued a permit, that willfully permits the vessel to be operated, or operates, the vessel in a manner inconsistent with the terms of the permit, is liable to the United States Government for a civil penalty of not more than $1,000.

(j) Notwithstanding another provision of this chapter, the Secretary is not required to inspect or prescribe regulations for a nautical school vessel of not more than 15 gross tons—

(1) when used in connection with a course of instruction dealing with any aspect of maritime education or study; and

(2) operated by—

(A) the United States Merchant Marine Academy; or

(B) a State maritime academy assisted under section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295(c)).[2]

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 510; Pub. L. 98-364, title IV, § 402(3), July 17, 1984, 98 Stat. 445.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3302	46:367 46:390 46:391(e) 46:404 46:420 46:442

Section 3302 does three things. It makes clear that a vessel included in one of the ten categories of vessels subject to inspection is not necessarily excluded from another category of vessel that is subject to inspection. For example, a vessel inspected and certified as a small passenger vessel would, when carrying oil or hazardous materials in bulk as cargo or cargo residue, also have to be inspected as a tank vessel. It makes it clear that a vessel excluded by section 3302 from the requirements of inspection in any one of the ten categories is not necessarily excluded from inspection as a vessel in another category. This section also contains a number of exemptions for certain classes of vessels and for those vessels engaged in a specific trade that have been considered to be of a special circumstance.

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[1] So in original. Probably should be "charterer,".

[2] So in original. Should be "(46 App. U.S.C. 1295c)".

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-364 amended subsec. (b) generally, which prior to amendment read: "A motor vessel engaged in fishing as a regular business, including oystering, clamming, crabbing, or the kelp or sponge industry, is exempt from section 3301(1), (4), and (7) of this title."

Subsec. (c). Pub. L. 98-364 amended subsec. (c) generally, which prior to amendment read:

"(1) Before January 1, 1988, a motor vessel is exempt from section 3301(1), (4), and (7) of this title if the vessel is not more than 500 gross tons and—

"(A) is a cannery tender or a fishing tender in the salmon or crab fisheries of Alaska, Oregon, and Washington; and

"(B) only carries cargo to or from vessels in those fisheries or a facility used in processing or assembling fishery products, or transports cannery or fishing personnel to or from operating locations.

"(2) Before January 1, 1988, a vessel is exempt from section 3301(1), (4), (6), and (7) of this title if the vessel is not more than 5,000 gross tons and is used only in processing and assembling fishery products in the fisheries of Alaska, Oregon, and Washington."

EXEMPTION OF CERTAIN FISHING AND FISH PROCESSING VESSELS

Section 403 of Pub. L. 98-364, as amended by Pub. L. 99-36, § 3, May 15, 1985, 99 Stat. 68, provided that:

"(a) Except as provided in chapter 37 of title 46, United States Code, and before January 1, 1990, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

"(b) A fish processing vessel entered into service before January 1, 1988, and more than 1,600 gross tons or entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products is exempt from section 8702(b) of title 46, United States Code, until 18 months after the date of enactment of this Act [July 17, 1984].

"(c) As used in subsections (a) and (b) of this section, the terms 'fishing vessel', 'fish processing vessel' and 'fish tender vessel' shall have the meaning given to such terms in section 2101 of title 46, United States Code."

OFFSHORE SUPPLY VESSELS; TRANSITION PERIOD FOR COMPLIANCE WITH VESSEL INSPECTION PROVISIONS

Section 2(i) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: "Each offshore supply vessel described in section 3302(g) of title 46 (as enacted by section 1 of this Act), that was registered with the Secretary of Transportation under section 4426a(7) of the Revised Statutes [former 46 U.S.C. 404-1(7)] but that has not been inspected by the Secretary shall be held to be in compliance with all applicable vessel inspection laws pending verification by actual inspection or until one year after the date of enactment of this Act [Aug. 26, 1983], whichever is earlier."

§ 3303. Reciprocity for foreign vessels

(a) Except as provided in chapter 37 of this title, a foreign vessel of a country having inspection laws and standards similar to those of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject only to an inspection to ensure that the condition of the vessel's propulsion equipment and lifesaving equipment are as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

(b) The Secretary shall collect and pay to the Treasury the same fees for the inspection of foreign vessels carrying passengers from the United States that a foreign country charges vessels of the United States trading to the ports of that country. The Secretary may waive at any time the collection of the fees on notice of the proper authorities of any country concerned that the collection of fees for the inspection of vessels of the United States has been discontinued.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 512.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3303	46:362(a) 46:390c 46:391a(3)

Section 3303 acknowledges the international concept of comity with respect to recognizing inspection laws and standards for foreign flag vessels that are similar to those of the United States. If a foreign nation is signatory to the International Convention for Safety of Life at Sea, it is presumed to have similar standards. However, reciprocity requirements for foreign flag tank vessels are included in chapter 37. Subsection (b) provides for a mutual waiver of fees for the inspection of foreign vessels carrying passengers from the United States.

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3505 of this title.

§ 3304. Carrying individuals in addition to crew

(a) A documented vessel carrying cargo that carries not more than 12 individuals in addition to the crew on international voyages, or not more than 16 individuals in addition to the crew on other voyages, is not subject to inspection as a passenger vessel or a small passenger vessel.

(b) Before an individual in addition to the crew is carried on a vessel as permitted by this section, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel first shall notify the individual of the presence on board of dangerous articles as defined by law, and of other conditions or circumstances that would constitute a risk of safety to the individual on board.

(c) The privilege authorized by this section applies to a vessel of a foreign country that affords a similar privilege to vessels of the United States in trades not restricted to vessels under its own flag.

(d) A fishing, fish processing, or fish tender vessel that transports not more than 12 individuals employed in the fishing industry in addition to the crew is not subject to inspection as a passenger or small passenger vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 513; Pub. L. 98-364, title IV, § 402(4), July 17, 1984, 98 Stat. 446.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3304	46:390-393 46:882

Section 3304 permits the carriage of not more than 12 individuals in addition to the crew on international voyages or not more than 16 individuals in addition to the crew on other voyages without subjecting a documented vessel carrying cargo to the inspection requirements of a passenger vessel. This section permits the bulk of vessels subject to the International Convention for Safety of Life at Sea to carry up to 12 passengers and to permit other cargo vessels, primarily those engaged in the coastwise trade, to carry up to 16 passengers without being categorized as passenger vessels. It also requires that these individuals be notified of the presence of dangerous articles or other conditions or circumstances that constitute a risk of safety. This is of prime importance on tank vessels that carry flammable or hazardous cargoes.

AMENDMENTS

1984—Subsec. (d). Pub. L. 98-364 added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3318 of this title.

§ 3305. Scope and standards of inspection

(a) The inspection process shall ensure that a vessel subject to inspection—

(1) is of a structure suitable for the service in which it is to be employed;

(2) is equipped with proper appliances for lifesaving, fire prevention, and firefighting;

(3) has suitable accommodations for the crew, sailing school instructors, and sailing school students, and for passengers on the vessel if authorized to carry passengers;

(4) is in a condition to be operated with safety to life and property; and

(5) complies with applicable marine safety laws and regulations.

(b) If an inspection, or examination under section 3308 of this title, reveals that a life preserver, lifesaving device, or firehose is defective and incapable of being repaired, the owner or master shall destroy the life preserver, lifesaving device, or firehose in the presence of the official conducting the inspection or examination.

(c) A nautical school vessel operated by a civilian nautical school shall be inspected like a small passenger vessel or a passenger vessel, depending on its tonnage.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 513; Pub. L. 99-36, § 1(a)(1), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3305	46:369 46:390a 46:391 46:392 46:395 46:404-1 46:405 46:406 46:407 46:408 46:660a 46:881

Section 3305 consolidates, at one place, the basic scope of coverage of the inspection process. It is to be noted that the time difference in enactment of various statutes has resulted in some anomalies. Thus, for example, R.S. 4417 (46 U.S.C. 391) which had originally set periods of inspection and vested authority in "local inspectors" was expanded over the years to provide the base for inspection of certain classes of vessels as well as setting out the periods and scope. The distillation of inspection objectives and standards in later laws and the transfer of all functions of separately created bureaus and functionaries to the Coast Guard permit this consolidation. There are those who have a desire to see the scope and standards of inspection be more specific in law similar to those presently applicable to boilers and boiler plating that predate 1871. The Committee believes this serves no useful purpose since the specifics are either antiquated or too limiting and have, in fact, been superceded by the statutorily authorized adoption of various industrial specifications, standards, and codes by the Coast Guard. These include the American Bureau of Shipping (ABS), American Society of Mechanical Engineers (ASME), American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), American Welding Society (AWS), Underwriters Laboratories (UL), and many others. In addition, Coast Guard regulations must also implement and conform to the numerous international maritime safety treaties to which the United States is signatory. The Committee expects that the regulatory flexibility being provided will not reduce the present vessel inspection requirements that have been historically developed.

Section 3305(a) establishes the statutory scope of the Coast Guard's vessel inspection authority and duty. The inspection process shall ensure that a vessel is of suitable structure, equipment, and accommodations, is maintained in an operating condition consistent with safety of life and property, and complies with applicable marine safety laws and regulations.

Subsection (b) requires that defective life preservers and firehose be destroyed in the presence of the inspecting official, normally a qualified Coast Guard marine inspector. The Committee believes that if this equipment is defective for use on an inspected vessel, it should be destroyed so that it cannot be used on an uninspected or recreational vessel.

Subsection (c) provides flexibility in the inspection of various sizes of nautical school vessels.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-36 substituted "lifesaving" and "life preserver, lifesaving device, or firehose" for "life-saving" and "life preserver or firehose", respectively.

§ 3306. Regulations

(a) To carry out this part and to secure the safety of individuals and property on board vessels subject to inspection, the Secretary shall prescribe necessary regulations to ensure the proper execution of, and to carry out, this part in the most effective manner for—

(1) the design, construction, alteration, repair, and operation of those vessels, including superstructures, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, electric installations, and accommodations for passengers and crew, sailing school instructors, and sailing school students;

(2) lifesaving equipment and its use;

(3) firefighting equipment, its use, and precautionary measures to guard against fire;

(4) inspections and tests related to clauses (1)-(3) of this subsection; and

(5) the use of vessel stores and other supplies of a dangerous nature.

(b) Equipment subject to regulation under this section may not be used on any vessel without prior approval as prescribed by regulation.

(c) In prescribing regulations for sailing school vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of vessels likely to be certificated as sailing school vessels. The regulations shall—

(1) reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels; and

(2) include requirements for notice to sailing school instructors and sailing school students about the specialized nature of sailing school vessels and applicable safety regulations.

(d) In prescribing regulations for nautical school vessels operated by the United States Merchant Marine Academy or by a State maritime academy (as defined in section 1302(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295a(3))), the Secretary shall consider the function, purpose, and operation of the vessels, their routes, and the number of individuals who may be carried on the vessels.

(e) When the Secretary finds it in the public interest, the Secretary may suspend or grant exemptions from the requirements of a regulation prescribed under this section related to lifesaving and firefighting equipment, muster lists, ground tackle and hawsers, and bilge systems.

(f) In prescribing regulations for offshore supply vessels, the Secretary shall consider the characteristics, methods of operation, and the nature of the service of offshore supply vessels.

(g) In prescribing regulations for fish processing or fish tender vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of these vessels. The regulations shall reflect the specialized nature and economics of fish processing or fish tender vessel operations and the character, design, and construction of fish processing or fish tender vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 513; Pub. L. 98-364, title IV, § 402(5), July 17, 1984, 98 Stat. 446.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3306	46:366 46:369 46:375 46:390b 46:392 46:404 46:408 46:411 46:412 46:416 46:420 46:445 46:459 46:473 46:477 46:478 46:479 46:481 46:482 46:483 46:489 46:526p 46:1295f(c)

Section 3306 contains broad authority to prescribe regulations for the proper inspection and certification of vessels. It provides regulatory flexibility for meeting technological changes. The section also permits flexibility in prescribing regulations for nautical school vessels operated by the United States Merchant Marine Academy or by a State maritime academy. The Secretary may suspend or grant exemptions to certain limited inspection requirements when the Secretary finds that this is necessary in the public interest. It also contains the requirement that in regulating offshore supply vessels consideration must be given to the special nature of their operations.

Amendments

1984—Subsec. (g). Pub. L. 98-364 added subsec. (g).

Section Referred to in Other Sections

This section is referred to in sections 3313, 3318 of this title; title 7 section 136q.

§ 3307. Frequency of inspection

Each vessel subject to inspection under this part shall undergo an initial inspection for certification before being put into service. After being put into service—

(1) each passenger vessel and nautical school vessel shall be inspected at least once a year;

(2) each small passenger vessel, freight vessel or offshore supply vessel of less than 100 gross tons, and sailing school vessel shall be inspected at least once every 3 years; and

(3) any other vessel shall be inspected at least once every 2 years.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 514.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3307(1)	46:391(c) 46:1295f(c)
3307(2)	46:390a(a) 46:404-1(6)(i)
3307(3)	46:391(b) 46:392(b) 46:404-1(6)(ii)

Section 3307 requires each vessel subject to inspection to undergo an initial inspection prior to being placed in service. This is normally started during the construction or reconstruction phase and is a continuing process until final certification for operation in a particular trade. Subsequent periodic inspections are also required for various types of vessels. It is to be noted that a freight vessel of less than 100 gross tons shall be inspected at 3 year intervals while the larger freight vessel has a 2 year inspection period. This is being done to retain the existing procedure of issuing 3 year certificates of inspection to smaller vessels, however, this does not prevent periodic inspections or examinations at intervening periods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3308, 3309 of this title.

§ 3308. Examinations

In addition to inspections required by section 3307 of this title, the Secretary shall examine—

(1) each vessel subject to inspection at proper times to ensure compliance with law and regulations; and

(2) crewmember accommodations on each vessel subject to inspection at least once a month or when the vessel enters United States ports to ensure that the accommodations are—

(A) of the size required by law and regulations;

(B) properly ventilated and in a clean and sanitary condition; and

(C) equipped with proper plumbing and mechanical appliances required by law and regulations, and the appliances are in good working condition.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 514.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3308	46:435 46:660a 46:660b

Section 3308 requires the Secretary to carry out additional inspections as might be necessary to ensure compliance with applicable laws and regulations, and to ensure that accommodations are maintained in a sanitary condition and that all appliances are in good working order.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3305 of this title.

§ 3309. Certificate of inspection

(a) When an inspection under section 3307 of this title has been made and a vessel has been found to be in compliance with the requirements of law and regulations, a certificate of inspection, in a form prescribed by the Secretary, shall be issued to the vessel.

(b) The Secretary may issue a temporary certificate of inspection in place of a regular certificate of inspection issued under subsection (a) of this section.

(c) At least 30 days (but not more than 60 days) before the current certificate of inspection issued to a vessel under subsection (a) of this section expires, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall submit to the Secretary in writing a notice that the vessel—

(1) will be required to be inspected; or

(2) will not be operated so as to require an inspection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 515; Pub. L. 98-498, title II, § 211(a), Oct. 19, 1984, 98 Stat. 2303.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3309	46:390c 46:391a(8) 46:395(d) 46:399

Section 3309 provides for the issuance of a certificate of inspection that attests to the fact that the vessel has been found to be in compliance with the applicable maritime safety laws and regulations. Under this provision the Coast Guard can issue a temporary certificate of inspection upon compliance with the applicable laws or regulations to facilitate the preparation, processing, and forwarding of the regular certificate of inspection to the vessel. A temporary certificate does not imply less than satisfactory compliance.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-498 added subsec. (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3311, 3312, 3318 of this title.

§ 3310. Records of certification

The Secretary shall keep records of certificates of inspection of vessels and of all acts in the examination and inspection of vessels, whether of approval or disapproval.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 515.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3310	46:414

Section 3310 contains the requirement for maintaining inspection records.

§ 3311. Certificate of inspection required

(a) Except as provided in subsection (b), a vessel subject to inspection under this part may not be operated without having on board a certificate of inspection issued under section 3309 of this title.

(b) The Secretary may direct the owner, charterer, managing operator, agent, master, or individual in charge of a vessel subject to inspection under this chapter and not having on board a certificate of inspection—

(1) to have the vessel proceed to mooring and remain there until a certificate of inspection is issued;

(2) to take immediate steps necessary for the safety of the vessel, individuals on board the vessel, or the environment; or

(3) to have the vessel proceed to a place to make repairs necessary to obtain a certificate of inspection.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 515; Pub. L. 98–498, title II, § 211(b), Oct. 19, 1984, 98 Stat. 2304.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3311	46:390c 46:395 46:399

Section 3311 prohibits the operation of a vessel subject to inspection without having on board a valid certificate of inspection.

AMENDMENTS

1984—Pub. L. 98–498 designated existing provisions as subsec. (a), in subsec. (a) as so designated substituted "Except as provided in subsection (b), a vessel" for "A vessel" and struck out "valid" before "certificate of inspection", and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3318 of this title.

§ 3312. Display of certificate of inspection

The certificate of inspection issued to a vessel under section 3309 of this title shall be displayed, suitably framed, in a conspicuous place on the vessel. When it is not practicable to so display the certificate, it shall be carried in the manner prescribed by regulation.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 515.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3312	46:400

Section 3312 requires the conspicuous display of the certificate of inspection to provide notice that the vessel is in compliance with applicable maritime safety laws and regulations. The section also applies to the posting of the temporary certificate of inspection.

§ 3313. Compliance with certificate of inspection

(a) During the term of a vessel's certificate of inspection, the vessel must be in compliance with its conditions, unless relieved by a suspension or an exemption granted under section 3306(e) of this title.

(b) When a vessel is not in compliance with its certificate or fails to meet a standard prescribed by this part or a regulation prescribed under this part—

(1) the owner, charterer, managing operator, agent, master, or individual in charge shall be ordered in writing to correct the noted deficiencies promptly;

(2) the Secretary may permit any repairs to be made at a place most convenient to the owner, charterer, or managing operator when the Secretary decides the repairs can be made with safety to those on board and the vessel;

(3) the vessel may be required to cease operating at once; and

(4) if necessary, the certificate shall be suspended or revoked.

(c) The vessel's certificate of inspection shall be revoked if a condition unsafe to life that is ordered to be corrected under this section is not corrected at once.

(d) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel whose certificate has been suspended or revoked shall be given written notice immediately of the suspension or revocation. The owner or master may appeal to the Secretary the suspension or revocation within 30 days of receiving the notice, as provided by regulations prescribed by the Secretary.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 515.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3313	46:390c 46:391a(8) 46:435

Section 3313 requires a vessel to be maintained in a condition so as to always be in compliance with the applicable laws and regulations. Here the master, owner, or other responsible party is required to maintain the vessel to inspection standards and to correct all deficiencies observed. When a vessel is not in compliance with its certificate the responsible parties shall be ordered in writing to correct the deficiencies promptly. The section provides flexibility as to when and where these deficiencies may be corrected consistent with the safety of the vessel and crew. The section provides authority to require the vessel to cease operating or, if necessary, to suspend or revoke its certificate of inspection when found not to be in compliance with its certificate or regulations. The owner or master, or other responsible party must be given written notice and may appeal this action within 30 days of receiving the notice.

§ 3314. Expiration of certificate of inspection

(a) If the certificate of inspection of a vessel expires when the vessel is on a foreign voyage, the vessel may complete the voyage to a port of the United States within 30 days of the expiration of the certificate without incurring the penalties for operating without a certificate of inspection.

(b) If the certificate of inspection would expire within 15 days of sailing on a foreign voyage from a United States port, the vessel shall secure a new certificate of inspection before sailing, unless the voyage is scheduled to be completed prior to the expiration date of the certificate. If a voyage scheduled to be completed in that time is not so completed, the applicable penalties may be enforced unless the failure to meet the schedule was beyond the control of the owner, charterer, managing operator, agent, master, or individual in charge of the vessel.

(c) When the certificate of inspection of a foreign vessel carrying passengers, operated on a regularly established line, expires at sea after leaving the country to which it belongs or when the vessel is in the United States, the Secretary may permit the vessel to sail on its regular route without further inspection than would have been required had the certificate not expired. This permission applies only when the vessel will be regularly inspected and issued a certificate before the vessel's next return to the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 516.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3314	46:362 46:399

Section 3314 contains the procedures for when a vessel's certificate of inspection expires while on a foreign voyage.

§ 3315. Disclosure of defects and protection of informants

(a) Each individual licensed under part E of this subtitle shall assist in the inspection or examination under this part of the vessel on which the individual is serving, and shall point out defects and imperfections known to the individual in matters subject to regulations and inspection. The individual also shall make known to officials designated to enforce this part, at the earliest opportunity, any marine casualty producing serious injury to the vessel, its equipment, or individuals on the vessel.

(b) An official may not disclose the name of an individual providing information under this section, or the source of the information, to a person except a person authorized by the Secretary. An official violating this subsection is liable to disciplinary action under applicable law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 516.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3315	46:234

Section 3315 requires an individual holding a license issued by the Coast Guard to assist inspection authorities and to make defects and imperfections known to those authorities. Anyone licensed also has a duty to report any marine casualty producing serious injury to the vessel, its equipment, or individuals on board the vessel. These licensed individuals who have this statutorily imposed duty to disclose are also protected by prohibiting any government official from disclosing the identity or source of the information except as authorized by the Secretary.

§ 3316. United States classification societies

(a) In carrying out this part, the Secretary may rely on reports, documents, and certificates issued by the American Bureau of Shipping or a similar United States classification society, or an agent of the Bureau or society.

(b) Each department, agency, and instrumentality of the United States Government shall recognize the Bureau as its agent in classifying vessels owned by the Government and in matters related to classification, as long as the Bureau is maintained as an organization having no capital stock and paying no dividends. The Secretary and the Secretary of Transportation each shall appoint one representative (except when the Secretary is the Secretary of Transportation, in which case the Secretary shall appoint both representatives) who shall represent the Government on the executive committee of the Bureau. The Bureau shall agree that the representatives shall be accepted by it as active members of the committee. The representatives shall serve without compensation, except for necessary traveling expenses.

(c)(1) To the maximum extent practicable, the Secretary may delegate to the Bureau or a similar United States classification society, or an agent of the Bureau or society, the inspection or examination, in the United States or in a foreign country, of a vessel documented or to be documented as a vessel of the United States. The Bureau, society, or agent may issue the certificate of inspection required by this part and other certificates essential to documentation.

(2) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(d) The Secretary also may make an agreement with or use the Bureau or a similar United States classification society, or an agent of the Bureau or society, for reviewing and approving plans required for issuing a certificate of inspection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 516.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3316	46:9 (less (c)) 46:369 46:881

Section 3316 prescribes the relationship between certain classification societies and the Federal Government with respect to the promotion of maritime safety and the security of life and property at sea. Briefly stated, a classification society, like the American Bureau of Shipping (ABS), establishes and administers standards for the design, construction, and periodic survey of commercial vessels, yachts, and other marine structures. Classification certifies adherence to these standards, thus representing that a vessel or structure possesses the structural and mechanical fitness required for its intended service.

The section requires that a Federal department, agency, or instrumentality recognize the American Bureau of Shipping as its agent for classing vessels owned by the Federal Government and in any matters related to classification. In effect, the ABS has a statutory monopoly on classing vessels of the United States Government. Additionally, the section contains the authority to permit the Secretary to rely on reports, documents, and certificates issued by a classification society that is similar to the American Bureau of Shipping. However, a "similar classification society" continues to mean one that is organized like the American Bureau of Shipping with attendant governmental representation.

§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this chapter of a documented vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 517.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3317	46:390a(b) 46:382b-1

Section 3317 provides the regulatory authority for prescribing fees for the inspection of small passenger vessels and sailing school vessels. Although section 2110 generally prohibits fees of this nature, this provision is consistent with the exception that permits specific statutory authorization for fee collection. Subsection (b) requires the reimbursement of expenses for the conduct of an inspection or examination at a foreign port or place when done there for the convenience of the owner or operator of the vessel.

§ 3318. Penalties

(a) Except as otherwise provided in this part, the owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this part or a regulation prescribed under this part, and a person violating a regulation that applies to a small passenger vessel, freight vessel of less than 100 gross tons, or sailing school vessel, are liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

(b) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, shall be fined not more than $10,000, imprisoned for not more than 5 years, or both.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure greater than allowed by the terms of the vessel's certificate of inspection shall be fined not more than $5,000, imprisoned for not more than 5 years, or both.

(d) A person that deranges or hinders the operation of any machinery or device employed on a vessel to denote the state of steam or water in any boiler or to give warning of approaching danger, or permits the water level of any boiler when in operation of a vessel to fall below its prescribed low-water line, shall be fined not more than $5,000, imprisoned for not more than 5 years, or both.

(e) A person that alters, defaces, obliterates, removes, or destroys any plans or specifications required by and approved under a regulation prescribed under section 3306 of this title, with intent to deceive or impede any official of the United States in carrying out that official's duties, shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.

(f) A person shall be fined not less than $1,000 but not more then[3] $10,000, and imprisoned for not less than 2 years but not more then[3] 5 years, if the person—

(1) forges or counterfeits with intent to make it appear genuine any mark or stamp prescribed for material to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306;

(2) knowingly uses, affixes, or causes to be used or affixed, any such forged or counterfeited mark or stamp to or on material of any description;

(3) with fraudulent intent, possesses any such mark, stamp, or other device knowing it to be forged or counterfeited; or

(4) with fraudulent intent, marks or causes to be marked with the trademark or name of another, material required to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306.

(g) A person is liable to the Government for a civil penalty of not more than $5,000, if the person—

(1) interferes with the inspection of a nautical school vessel;

(2) violates a regulation prescribed for a nautical school vessel;

(3) is an owner of a nautical school vessel operated in violation of this part; or

(4) is an officer or member of the board of directors of a school, organization, association, partnership, or corporation owning a nautical school vessel operated in violation of a regulation prescribed for a nautical school vessel.

(h) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to give the notice required by section 3304(b) of this title is liable to the Government for a civil penalty of not more than $1,000. The vessel also is liable in rem for the penalty.

(i) A person violating section 3309(c) of this title is liable to the Government for a civil penalty of not more than $1,000.

(j)(1) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel required to be inspected under this chapter operating the vessel without the certificate of inspection is liable to the Government for a civil penalty of not more than $10,000 for each day during which the violation occurs, except when the violation involves operation of a vessel of less than 1,600 gross tons, the penalty is not more than $2,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

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[3] So in original. Probably should be "than".

(2) A person is not liable for a penalty under this subsection if—

(A) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has notified the Secretary under section 3309(c) of this title;

(B) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has complied with all other directions and requirements for obtaining an inspection under this part; and

(C) the Secretary believes that unforeseen circumstances exist so that it is not feasible to conduct a scheduled inspection before the expiration of the certificate of inspection.

(k) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to comply with a direction issued by the Secretary under section 3311(b) of this title is liable to the Government for a civil penalty of not more than $10,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

(*l*) A person committing an act described by subsections (b)-(f) of this section is liable to the Government for a civil penalty of not more than $5,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 98-498, title II, § 211(c), Oct. 19, 1984, 98 Stat. 23404.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3318	46:369(e) 46:390d 46:398 46:403 46:407 46:408 46:410 46:413 46:436 46:481(d) 46:1295f(d)(2), (3)

Section 3318 provides for a number of specific civil and criminal penalties.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-498, § 211(c)(1), substituted "Except as otherwise provided in this part, the" for "The" and "not more than $5,000" for "$1,000, except that when the violation involves operation of a barge, the penalty is $500".

Subsec. (c). Pub. L. 98-498, § 211(c)(2), substituted "$5,000" for "$2,000".

Subsec. (d). Pub. L. 98-498, § 211(c)(3), substituted "$5,000" for "$2,000".

Subsec. (e). Pub. L. 98-498, § 211(c)(4), substituted "$10,000" for "$2,000".

Subsec. (f). Pub. L. 98-498, § 211(c)(5), substituted "$10,000" for "$5,000".

Subsec. (g). Pub. L. 98-498, § 211(c)(6), substituted "is liable to the Government for a civil penalty of not more than $5,000" for "shall be fined not more than $10,000, imprisoned for not more than one year, or both".

Subsec. (h). Pub. L. 98-498, § 211(c)(7), substituted "Government for a civil penalty of not more than $1,000." for "United States Government for a civil penalty of not more than $500."

Subsecs. (i) to (*l*). Pub. L. 98-498, § 211(c)(8), added subsecs. (i) to (*l*).

CHAPTER 35—CARRIAGE OF PASSENGERS

Sec.
3501. Number of passengers.
3502. List or count of passengers.
3503. Fire-retardant materials.
3504. Notification to passengers.
3505. Prevention of departure.
3506. Copies of laws.

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide special provisions for listing and counting the number of passengers on board a vessel, for notifying the general public of the safety standards that are applicable, and for related control measures.

§ 3501. Number of passengers

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry) shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to—

(1) passage money; and

(2) $100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly carries more passengers than the number of passengers permitted by the certificate of inspection also shall be fined not more than $100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99-36, § 1(a)(2), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3501	46:404-1 46:451 46:452 46:462

Section 3501 requires that a vessel carrying passengers, including a passenger vessel as well as a small passenger vessel (except a ferry), shall have on the certificate of inspection a statement as to the number of passengers the vessel is permitted to carry. It also provides penalties for carrying passengers in excess of the number permitted.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36, § 1(a)(2)(A), struck out the comma after "(except a ferry)".

Subsec. (c). Pub. L. 99-36, § 1(a)(2)(B), substituted "carries more passengers than the number of passengers permitted by the certificate of inspection" for "violates subsection (b) of this section".

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3502. List or count of passengers

(a) The owner, charterer, managing operator, master, or individual in charge of the following categories of vessels carrying passengers shall keep a correct list of passengers received and delivered from day to day:

(1) vessels arriving from foreign ports (except at United States Great Lakes ports from Canadian Great Lakes ports).

(2) seagoing vessels in the coastwise trade.

(3) passenger vessels making voyages of more than 300 miles on the Great Lakes except from a Canadian to a United States port.

(b) The master of a vessel carrying passengers (except a vessel listed in subsection (a) of this section) shall keep a correct count of all passengers received and delivered.

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of $100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3502	46:460 46:460a 46:461 46:462

Section 3502 is related to section 3501 and requires the listing or counting of passengers on certain vessels. This requirement applies to large as well as small passenger vessels when operating on the types of voyages enumerated. This section also applies to a foreign vessel arriving at a port or place in the United States.

§ 3503. Fire-retardant materials

A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, 1988, this section does not apply to a vessel operating only on the inland rivers.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3503	46:369(b)

Section 3503 requires the use of fire retardant materials on a vessel having berthing facilities for at least 50 passengers. This requirement in the case of vessels engaged in foreign trade is consistent with our international treaty obligations, which impose extensive and additional fire safety standards. A waiver that grandfathers existing inland river passenger vessels is also included.

§ 3504. Notification to passengers

(a) A person selling passage on a foreign or domestic passenger vessel having berth or stateroom accommodations for at least 50 passengers and embarking passengers at United States ports for a coastwise or an international voyage shall notify each prospective passenger of the safety standards applicable to the vessel in a manner prescribed by regulation.

(b) All promotional literature or advertising through any medium of communication in the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall include information similar to the information described in subsection (a) of this section, and shall specify the registry of each vessel named, as a part of the advertisement or description of the voyage. Except for the inclusion of the country of registry of the vessel, this subsection does not apply to voyages by vessels meeting the safety standards described in section 3505 of this title.

(c) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $10,000. If the violation involves the sale of tickets for passage, the owner, charterer, managing operator, agent, master, individual in charge, or any other person involved in each violation also is liable to the Government for a civil penalty of $500 for each ticket sold. The vessel on which passage is sold also is liable in rem for a violation of this section or a regulation prescribed under this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3504	46:362(b)

Section 3504 requires notification to the public of the safety standards that are applicable to certain foreign flag or United States passenger vessels. In addition, all promotional literature or advertising that offers passage or solicits passengers for ocean voyages anywhere in the world shall include a safety standard statement and shall specify the registry of the vessel. If the vessel meets the international standards to which the United States adheres, then the safety standard statement need not be included. In all other cases the type of safety standard statement that must be included is as prescribed by regulation. This section is intended to place the United States public on notice as to the degree of fire safety compliance of a foreign-flag passenger vessel that does not operate or depart from a port or place in the United States but does embark passengers from the United States at nearby foreign ports. Departures from foreign ports are undertaken because the foreign-flag passenger vessel cannot comply with the safety standards applicable to a United States flag passenger vessel.

§ 3505. Prevention of departure

Notwithstanding section 3303(a) of this title, a foreign or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers may not depart from a United States port with passengers who are embarked at that port, if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 520.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3505	46:362(c)

Section 3505 prohibits the departure from a United States port or place of any passenger vessel of more than 100 gross tons having berthing for at least 50 passengers, if the vessel does not comply with the international maritime safety standards applicable to United States vessels.

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3506. Copies of laws

A master of a passenger vessel shall keep on board a copy of this subtitle, to be provided by the Secretary at reasonable cost. If the master fails to do so, the master is liable to the United States Government for a civil penalty of $200.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 520.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3506	46:492

Section 3506 requires the master of a passenger vessel to keep on board a copy of subtitle II of title 46, U.S.C. Copies of the subtitle shall be provided by the Secretary at reasonable cost.

CHAPTER 37—CARRIAGE OF LIQUID BULK DANGEROUS CARGOES

Sec.
3701. Definitions.
3702. Application.
3703. Regulations.
3704. Coastwise trade vessels.
3705. Crude oil tanker minimum standards.
3706. Product carrier minimum standards.
3707. Tanker minimum standards.
3708. Self-propelled tank vessel minimum standards.
3709. Exemptions.
3710. Evidence of compliance by vessels of the United States.
3711. Evidence of compliance by foreign vessels.
3712. Notification of noncompliance.
3713. Prohibited acts.
3714. Inspection and examination.
3715. Lightering.
3716. Tank washings.
3717. Marine safety information system.
3718. Penalties.

HISTORICAL AND REVISION NOTES

Chapter 37 consolidates the laws that are applicable to vessels that transport oil or hazardous material in bulk as cargo or cargo residue.

The history of Federal authority to carry out a tank vessel safety program begins with the enactment of the so-called Tank Vessel Act of 1936 which, as amended, is presently codified in section 391a of title 46, United States Code. The 1936 Act remained essentially the same until it was amended by the Ports and Waterways Safety Act of 1972. The 1972 amendment contained more specific standards for the protection of a tank vessel and its crew and added vessel standards to improve the quality of the marine environment. After a rash of tank vessel accidents during the latter part of 1976 and early 1977 within our territorial seas and in nearby coastal waters, there was an outpouring of public attention to the need to protect United States ports and waterways, for the safety of tank vessels, and for the protection of the marine environment. This led to the enactment of the Port and Tanker Safety Act of 1978, which provided broader and more extensive regulatory authority over areas already regulated and over many areas not previously regulated. It provided for improvements in the supervision and control of vessels of all types operating in the navigable waters of the United States, and in the safety of all tank vessels, foreign or domestic, that transport or transfer oil or hazardous cargoes in ports or places subject to the jurisdiction of the United States. The 1978 amendments also reflect, in part, certain tank vessel standards and requirements that have been accepted internationally, in particular those developed by the International Conference on Tanker Safety and Pollution Prevention held in London in February, 1978.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3303, 4501, 8501, 8502, 8701, 8702, 8703, 9101, 9102 of this title; title 33 section 1228; title 49 section 10542; title 49 App. section 1806.

§ 3701. Definitions

In this chapter—

(1) "existing", when referring to a type of vessel to which this chapter applies, means a vessel that is not a new vessel.

(2) "major conversion" means a conversion of an existing vessel that substantially changes the dimensions or carrying capacity of the vessel or changes the type of vessel or substantially prolongs its life or that otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

(3) "new", when referring to a type of vessel to which this chapter applies, means a vessel—

(A) for which the building contract is placed after June 1, 1979;

(B) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, after January 1, 1980;

(C) the delivery of which is after June 1, 1982; or

(D) that has undergone a major conversion under a contract made after June 1, 1979, or construction work that began after January 1, 1980, or was completed after June 1, 1982.

(4) "person" means an individual (even if not a citizen or national of the United States), a corporation, partnership, association, or other entity (even if not organized or existing under the laws of a State), the United States Government, a State or local government, a government of a foreign country, or an entity of one of those governments.

(5) "State", in addition to its meaning under section 2101(36) of this title, includes the Trust Territory of the Pacific Islands.

(6) "United States", in addition to its meaning under section 2101(44) of this title, includes the Trust Territory of the Pacific Islands.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 521.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3701(1)	46:391a(2)(R)
3701(2)	46:391a(2)(P)
3701(3)	46:391a(2)(Q)
3701(4)	46:391a(2)(F)
3701(5)	46:391a(2)(J)
3701(6)	46:391a(2)(K)

Section 3701 contains definitions that are of a special nature with limited applicability to this chapter.

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3702. Application

(a) Subject to subsections (b)-(e) of this section, this chapter applies to a tank vessel.

(b) This chapter does not apply to a documented vessel that would be subject to this chapter only because of the transfer of fuel from the fuel supply tanks of the vessel to offshore drilling or production facilities in the oil industry if the vessel is—

(1) not more than 500 gross tons;

(2) not a tanker; and

(3) in the service of oil exploitation.

(c) This chapter does not apply to a fishing or fish tender vessel of not more than 500 gross tons when engaged only in the fishing industry.

(d) This chapter does not apply to a fish processing vessel of not more than 5,000 gross tons. However, the vessel is subject to regulation by the Secretary when carrying flammable or combustible liquid cargo in bulk.

(e) This chapter does not apply to a foreign vessel on innocent passage on the navigable waters of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 521; Pub. L. 98-364, title IV, § 402(6), July 17, 1984, 98 Stat. 446.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3702	46:391a

Section 3702, with certain exceptions, makes this chapter applicable to any tank vessel operating in the navigable waters of the United States or transferring oil or hazardous materials in any port or place subject to the jurisdiction of the United States, and which carries oil or any hazardous materials in bulk as cargo or in residue, regardless of tonnage, size or manner of propulsion; whether it is self-propelled or not; whether it is carrying freight or passengers for hire or not; and whether it is a vessel of the United States or a foreign vessel.

It exempts certain small vessels documented in the service of oil exploitation, certain small tender and fishing vessels used in the Northwest salmon or crab fisheries, certain vessels used in the processing and assembling of fishery products used in the Northwest fisheries, public vessels, and foreign vessels engaged on innocent passage on the navigable waters of the United States. However, processing vessels, while not treated as tank vessels, are still subject to regulation when carrying flammable or combustible liquid cargo in bulk.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-364, § 402(6)(A), substituted "This chapter does not apply to a fishing or fish tender vessel of not more than 500 gross tons when engaged only in the fishing industry" for "This chapter does not apply to a cannery tender, fishing tender, or fishing vessel of not more than 500 gross tons, used in the salmon or crab fisheries of Alaska, Oregon, or Washington, when engaged only in the fishing industry".

Subsec. (d). Pub. L. 98-364, § 402(6)(B), substituted "This chapter does not apply to a fish processing vessel of not more than 5,000 gross tons" for "This chapter does not apply to a vessel of not more than 5,000 gross tons used in processing and assembling fishery products of the fisheries of Alaska, Oregon, and Washington".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8703 of this title; title 49 App. section 1806.

§ 3703. Regulations

(a) The Secretary shall prescribe regulations for the design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels to which this chapter applies, that may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment. The Secretary may prescribe different regulations applicable to vessels engaged in the domestic trade, and also may prescribe regulations that exceed standards set internationally. Regulations prescribed by the Secretary under this subsection are in addition to regulations prescribed under other laws that may apply to any of those vessels. Regulations prescribed under this subsection shall include requirements about—

(1) superstructures, hulls, cargo holds or tanks, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, and boilers;

(2) the handling or stowage of cargo, the manner of handling or stowage of cargo, and the machinery and appliances used in the handling or stowage;

(3) equipment and appliances for lifesaving, fire protection, and prevention and mitigation of damage to the marine environment;

(4) the manning of vessels and the duties, qualifications, and training of the officers and crew;

(5) improvements in vessel maneuvering and stopping ability and other features that reduce the possibility of marine casualties;

(6) the reduction of cargo loss if a marine casualty occurs; and

(7) the reduction or elimination of discharges during ballasting, deballasting, tank cleaning, cargo handling, or other such activity.

(b) In prescribing regulations under subsection (a) of this section, the Secretary shall consider the types and grades of cargo permitted to be on board a tank vessel.

(c) In prescribing regulations under subsection (a) of this section, the Secretary shall establish procedures for consulting with, and receiving and considering the views of—

(1) interested departments, agencies, and instrumentalities of the United States Government;

(2) officials of State and local governments;

(3) representatives of port and harbor authorities and associations;

(4) representatives of environmental groups; and

(5) other interested parties knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 522.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3703	46:391a(6) 46:391a(12)

Section 3703 requires the Secretary to issue regulations to implement this section. Specific items are listed to be included within the regulations issued. The regulatory authority must be exercised under the Administrative Procedure Act and, in prescribing these regulations, the Secretary must consider the kinds and grades of cargo carried on board. Furthermore, in addition to any requirements of the Administrative Procedure Act, the Secretary must establish specific consultation procedures for considering the views of various specified interested officials, groups, and individuals. The procedures are intended to provide for consultation as early as possible in the regulatory process.

§ 3704. Coastwise trade vessels

A segregated ballast tank, a crude oil washing system, or an inert gas system, required by this chapter or a regulation prescribed under this chapter, on a vessel entitled to engage in the coastwise trade under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), shall be installed in the United States (except the trust territories). A vessel failing to comply with this section may not engage in the coastwise trade.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 522.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3704	46:391a(7)

Section 3704 requires any tank vessel that is entitled to engage in the coastwise trade to install certain equipment in the United States under the penalty of losing coastwise trading privileges if the installation work is done in a foreign country.

Section Referred to in Other Sections

This section is referred to in section 3709 of this title; section 1185 of Appendix to this title.

§ 3705. Crude oil tanker minimum standards

(a) A new crude oil tanker of at least 20,000 deadweight tons shall be equipped with—

(1) protectively located segregated ballast tanks;

(2) a crude oil washing system; and

(3) a cargo tank protection system consisting of a fixed deck froth system and a fixed inert gas system.

(b)(1) An existing crude oil tanker of at least 40,000 deadweight tons shall be equipped with—

(A) segregated ballast tanks; or

(B) a crude oil washing system.

(2) Compliance with paragraph (1) of this subsection may be delayed until June 1, 1985, for any tanker of less than 70,000 deadweight tons that has dedicated clean ballast tanks.

(c) An existing crude oil tanker of at least 20,000 deadweight tons but less than 40,000 deadweight tons, and at least 15 years of age, shall be equipped with segregated ballast tanks or a crude oil washing system before January 2, 1986, or the date on which the tanker reaches 15 years of age, whichever is later.

(d) An existing crude oil tanker of at least 20,000 deadweight tons shall be equipped with an inert gas system. However, for a crude oil tanker of less than 40,000 deadweight tons not fitted with high capacity tank washing machines, the Secretary may grant an exemption if the vessel's owner can show clearly that compliance would be unreasonable and impracticable due to the vessel's design characteristics.

(e) A crude oil tanker engaged in transferring oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States shall be equipped with segregated ballast tanks, or may operate with dedicated clean ballast tanks or special ballast arrangements. However, the tanker shall comply with other applicable minimum standards of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 523.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3705(a)	46:391a(7)(A)
3705(b)	46:391a(7)(D)
3705(c)	46:391a(7)(E)
3705(d)	46:391a(7)(F)
3705(e)	46:391a(7)(M)

Section 3705 requires compliance with certain minimum standards by a crude oil tanker, which is self-propelled. In general, the minimum required standards are consistent with those international standards that have been adopted as Protocols to the 1974 Safety of Life at Sea Convention and the 1973 Marine Pollution Convention.

Section 3705(a) requires new crude oil tankers of 20,000 deadweight tons or above to have protectively located segregated ballast tanks, a crude oil washing system, and a specified cargo tank protection system.

Section 3705(b) requires existing crude oil tankers of 40,000 deadweight tons or above to have segregated ballast tanks or a crude oil washing system. Compliance may be delayed until June 1, 1985 for smaller tankers that have dedicated clean ballast tanks.

Section 3705(c) requires existing crude oil tankers of 20,000 deadweight tons or above, but less than 40,000 deadweight tons, that are 15 years or older, to have segregated ballast tanks or a crude oil washing system by January 1, 1985 or if less than 15 years old, by the date on which it reaches 15 years of age.

Section 3705(d) requires existing crude oil tankers of 20,000 deadweight tons or above, to install an inert gas system. An exemption for crude oil tankers of less than 40,000 deadweight tons not fitted with high-capacity tank washing machines may be granted by the Secretary, only if it is demonstrated that compliance would be unreasonable and impracticable due to the vessel's design characteristics.

Section 3705(e) requires existing crude oil tankers of 20,000 deadweight tons or above, engaged in the transfer of oil from Outer Continental Shelf oil exploitation or production facilities, to have segregated ballast tanks or be operated with dedicated clean ballast tanks or special ballast arrangements.

Section Referred to in Other Sections

This section is referred to in section 3709 of this title; section 1185 of Appendix to this title.

§ 3706. Product carrier minimum standards

(a) A new product carrier of at least 30,000 deadweight tons shall be equipped with protectively located segregated ballast tanks.

(b) A new product carrier of at least 20,000 deadweight tons shall be equipped with a cargo tank protection system consisting of a fixed deck froth system and a fixed inert gas system or, if the product carrier carries dedicated products incompatible with the cargo tank protection system, an alternate protection system authorized by the Secretary.

(c) An existing product carrier of at least 40,000 deadweight tons shall be equipped with segregated ballast tanks or may operate with dedicated clean ballast tanks.

(d) An existing product carrier of at least 20,000 deadweight tons but less than 40,000 deadweight tons, and at least 15 years of age, shall be equipped with segregated ballast tanks or may operate with dedicated clean ballast tanks before January 2, 1986, or the date on which it reaches 15 years of age, whichever is later.

(e) An existing product carrier of at least 40,000 deadweight tons, or an existing product carrier of at least 20,000 deadweight tons but less than 40,000 deadweight tons that is fitted with high-capacity tank washing machines, shall be equipped with an inert gas system.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 523.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
3706(a)	46:391a(7)(B)
3706(b)	46:391a(7)(C)
3706(c)	46:391a(7)(G)
3706(d)	46:391a(7)(H)
3706(e)	46:391a(7)(I)

Section 3706 requires compliance with certain minimum standards by a product carrier, which is a self-propelled tank vessel.

Section 3706(a) requires new product carriers of 30,000 deadweight tons or above, to have protectively located segregated ballast tanks.

Section 3706(b) requires new product carriers of 20,000 deadweight tons or above, to have a cargo tank protection system consisting of a fixed deck froth system or a fixed inert gas system. If the products carried are incompatible with the cargo tank protection system, then an alternative protection system may be authorized.

Section 3706(c) requires existing product carriers of 40,000 deadweight tons or above, to have segregated ballast tanks or to operate with dedicated clean ballast tanks.

Section 3706(d) requires existing product carriers of 20,000 deadweight tons or above, but less than 40,000 deadweight tons, that are 15 years or older, to have segregated ballast tanks by January 1, 1985, or on the date on which it reaches 15 years of age or, in the alternative, that the vessel operate with dedicated clean ballast tanks.

Section 3706(e) requires existing product carriers of 40,000 deadweight tons or above, or to existing product carriers, fitted with high-capacity tank washing machines, of 20,000 deadweight tons but less than 40,000 deadweight tons, to install an inert gas system.

Section Referred to in Other Sections

This section is referred to in section 3709 of this title; section 1185 of Appendix to this title.

§ 3707. Tanker minimum standards

(a) A new tanker of at least 10,000 gross tons shall be equipped with—

(1) 2 remote steering gear control systems operable separately from the navigating bridge;

(2) the main steering gear control in the steering gear compartment;

(3) means of communications and rudder angle indicators on the navigating bridge, a remote steering gear control station, and the steering gear compartment;

(4) at least 2 identical and adequate power units for the main steering gear;

(5) an alternative and adequate power supply, either from an emergency source of electrical power or from another independent source of power located in the steering gear compartment; and

(6) means of automatic starting and stopping of power units with attendant alarms at all steering stations.

(b) An existing tanker of at least 10,000 gross tons shall be equipped with—

(1) 2 remote steering gear control systems operable separately from the navigating bridge;

(2) the main steering gear control in the steering gear compartment; and

(3) means of communications and rudder angle indicators on the navigating bridge, a remote steering gear control station, and the steering gear compartment.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 524.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3707(a)	46:391a(7)(K)
3707(b)	46:391a(7)(L)

Section 3707 requires compliance with certain minimum standards by a tanker, which is a self-propelled tank vessel.

Section 3707(a) requires new tankers of 10,000 gross tons or above, to have two remote steering gear control systems, a main steering gear control in the steering gear compartment, a means of communications and rudder angle indicators at specified locations, two or more specified power units for the main steering gear, an alternative and adequate power supply of specified characteristics, and a means of automatic operation of power units, with attendant alarms at all steering stations.

Section 3707(b) requires existing tankers of 10,000 gross tons or above, to have two remote steering gear control systems, a main steering gear control in the steering gear compartment, and a means of communication and rudder angle indicators at specified locations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1185 of Appendix to this title.

§ 3708. Self-propelled tank vessel minimum standards

A self-propelled tank vessel of at least 10,000 gross tons shall be equipped with—

(1) a dual radar system with short-range and long-range capabilities, each with true-north features;

(2) an electronic relative motion analyzer that is at least functionally equivalent to equipment complying with specifications established by the Secretary of Transportation;

(3) an electronic position-fixing device;

(4) adequate communications equipment;

(5) a sonic depth finder;

(6) a gyrocompass; and

(7) up-to-date charts.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 524.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3708	46:391a(7)(J)

Section 3708 requires compliance with certain minimum standards by a self-propelled tank vessel. These requirements apply to any tank vessel of 10,000 gross tons or above with no distinction being made as to whether or not the vessel is "primarily" constructed or adapted to carry oil or hazardous material in bulk in the cargo spaces. These vessels are required to be equipped with a dual radar system, a computerized relative motion analyzer, an electronic position fixing device, adequate communications equipment, a sonic depth finder, a gyrocompass, and up-to-date charts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1185 of Appendix to this title.

§ 3709. Exemptions

The Secretary may exempt a vessel from the minimum requirements established by sections 3704–3706 of this title for segregated ballast, crude oil washing, and dedicated clean ballast if the Secretary decides that shore-based reception facilities are a preferred method of handling ballast and that adequate facilities are readily available.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 524.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3709	46:391a(7)(N)

Section 3709 provides the Secretary with the authority to exempt certain minimum tanker requirements of section 3704, 3705, and 3706 when shorebased reception facilities are a better way of handling ballast and when the facilities are adequate and readily available.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1185 of Appendix to this title.

§ 3710. Evidence of compliance by vessels of the United States

(a) A vessel of the United States to which this chapter applies that has on board oil or hazardous material in bulk as cargo or cargo residue must have a certificate of inspection issued under this part, endorsed to indicate that the vessel complies with regulations prescribed under this chapter.

(b) Each certificate endorsed under this section is valid for not more than 24 months and may be renewed as specified by the Secretary. In appropriate circumstances, the Secretary may issue a temporary certificate valid for not more than 30 days. A certificate shall be suspended or revoked if the Secretary finds that the vessel does not comply with the conditions under which the certificate was issued.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 524.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3710	46:391a(8)(A) 46:391a(8)(E)

Section 3710 prohibits any vessels of the United States subject to this chapter from having on board oil or hazardous material in bulk as cargo or in residue, unless it has a required Certificate of Inspection endorsed to indicate vessel compliance with applicable regulations. Certificates shall be valid for a period not to exceed two years and may be renewed as specified by the Secretary. The Secretary may issue temporary certificates of not more than thirty days duration and may revoke or suspend any certificate under designated circumstances.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3715 of this title.

§ 3711. Evidence of compliance by foreign vessels

(a) A foreign vessel to which this chapter applies may operate on the navigable waters of the United States, or transfer oil or hazardous material in a port or place under the jurisdiction of the United States, only if the vessel has been issued a certificate of compliance by the Secretary. The Secretary may issue the certificate only after the vessel has been examined and found to be in compliance with this chapter and regulations prescribed under this chapter. The Secretary may accept any part of a certificate, endorsement, or document, issued by the government of a foreign country under a treaty, convention, or other international agreement to which the United States is a party, as a basis for issuing a certificate of compliance.

(b) A certificate issued under this section is valid for not more than 24 months and may be renewed as specified by the Secretary. In appropriate circumstances, the Secretary may issue a temporary certificate valid for not more than 30 days.

(c) A certificate shall be suspended or revoked if the Secretary finds that the vessel does not comply with the conditions under which the certificate was issued.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 525.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3711	46:391a(8)(B) 46:391a(8)(C) 46:391a(8)(E)

Section 3711 prohibits any foreign vessel from operating on the navigable waters of the United States or from transferring oil or hazardous material in any port or place under the jurisdiction of the United States, unless it has a certificate of compliance issued by the Secretary indicating that the vessel has been examined and found to be in compliance with the provisions of the applicable regulations. It also authorizes the Secretary to accept, in whole or in part, an appropriate foreign certificate issued pursuant to any international agreement to which the United States is a party, as a basis for issuing the certificate of compliance. This means that the Secretary does not have to accept foreign certificates as evidence of compliance, but may take additional action to assure compliance with applicable domestic laws and regulations and international treaty provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3715 of this title.

§ 3712. Notification of noncompliance

The Secretary shall notify the owner, charterer, managing operator, agent, master, or individual in charge of a vessel found not to be in compliance with a regulation prescribed under this part and state how compliance may be achieved.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 525.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3712	46:391a(8)(A) 46:391a(8)(B)

Section 3712 requires the Secretary to notify appropriate parties when a vessel is found not to be in compliance with applicable requirements, standards, or regulations and what remedial steps must be taken in order to comply with them.

§ 3713. Prohibited acts

(a) A person may not—

(1) violate this chapter or a regulation prescribed under this chapter;

(2) refuse to permit any official, authorized by the Secretary to enforce this chapter, to board a vessel or to enter a shore area, place, or premises, under a person's control to make an inspection under this chapter; or

(3) refuse to obey a lawful directive issued under this chapter.

(b) A vessel to which this chapter applies may not—

(1) operate on the navigable waters of the United States or use a port or place subject to the jurisdiction of the United States when not in compliance with this chapter or a regulation prescribed under this chapter;

(2) fail to comply with a lawful directive issued under this chapter; or

(3) carry a type or grade of oil or hazardous material in bulk as cargo or cargo residue unless its certificate is endorsed to allow that carriage.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 525.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3713	46:391a(13)

Section 3713(a) prohibits any person from violating any provision of this chapter or a regulation prescribed under its authority. It prohibits the refusal to permit authorized officials to board a vessel or to enter a shore area for the purposes of inspection of the vessel or premises. It also prohibits the refusal to obey any lawful directive issued under this chapter.

Section 3713(b) prohibits any vessel, subject to the provisions of this chapter from operating on the navigable waters of the United States, or from using any port or place subject to the jurisdiction of the United States while not in compliance with any provision of applicable law or regulation. It further prohibits any vessel from failing to comply with a lawful directive issued pursuant to the authority of this chapter. It also prohibits the vessel from carrying oil or hazardous material as cargo or cargo residue unless its certificate is so endorsed to permit its carriage.

§ 3714. Inspection and examination

(a)(1) The Secretary shall have each vessel to which this chapter applies inspected or examined at least once each year.

(2) Each of those vessels that is more than 10 years of age shall undergo a special and detailed inspection of structural strength and hull integrity as specified by the Secretary.

(3) The Secretary may make contracts for conducting inspections or examinations in the United States and in foreign countries. An inspector conducting an inspection or examination under contract may not issue a certificate of inspection or a certificate of compliance, but the inspector may issue a temporary certificate.

(4) The Secretary shall prescribe by regulation reasonable fees for an inspection or examination conducted under this section outside the United States, or which, when involving a foreign vessel, is conducted under a contract authorized by paragraph (3) of this subsection. The owner, charter,[1] or managing operator of a vessel inspected or examined by the Secretary is liable for the fees. Amounts received as fees shall be deposited in the Treasury.

(5) The Secretary may allow provisional entry of a vessel to conduct an inspection or examination under this chapter.

(b) Each vessel to which this chapter applies shall have on board those documents the Secretary considers necessary for inspection and enforcement, including documents listing—

(1) the type, grade, and approximate quantities of cargo on board;

(2) the shipper and consignee of the cargo;

(3) the places of origin and destination of the vessel; and

(4) the name of an agent in the United States authorized to accept service of legal process.

(c) Each vessel to which this chapter applies that operates in the United States shall have a person designated as authorized to accept service of legal process for the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 526.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3714	46:391a(15)

Section 3714(a) requires the Secretary to establish a program for the inspection of tank vessels, foreign or domestic, at least once each year. The Committee contemplates that United States vessels will be issued a 2 year certificate of inspection with a mid-period examination. The Committee also contemplates that foreign-flag vessels will continue to be tracked and boarded at least once a year or when they first arrive in the United States. The Secretary may examine the foreign-flag tank vessel but may accept, as a basis for the issuance of a certificate of compliance, in whole or in part a foreign-issued certificate.

Each vessel over 10 years of age must undergo a special and detailed inspection of structural strength and hull integrity, as specified by the Secretary. An inspection or examination may be conducted by any officer authorized by the Secretary. The Committee expects that, whenever possible, a qualified marine inspector will be used wherever the vessel undergoes these 10-year inspections. The Secretary may also contract for inspections or examinations in the United States and in foreign countries.

The primary reason for including a provision that permits the contracting for the conduct of inspections and examinations is to provide flexibility in foreign areas where Coast Guard marine inspectors are not normally available.

A contract inspector may be authorized to act on behalf of the Secretary, but may not issue a certificate of inspection or compliance. The inspector may, however, issue a temporary certificate.

The Committee understands that the 10-year inspections of United States-flag and foreign-flag vessels may occur at the time the vessel is scheduled for shipyard availability to complete the periodic classification society survey.

The Secretary is also authorized and directed to prescribe by regulation reasonable fees for certain inspections or examinations conducted pursuant to this section based on the cost incurred. The owner of any vessel inspected or examined by the Secretary or his designee shall be liable for the fee. Amounts received as fees under this section are to be deposited in the Treasury.

Section 3714(b) requires each vessel subject to this chapter to have on board those documents the Secretary declares are necessary for inspection or enforcement, including, but not limited to documents indicating the kind, grade, and approximate quantities of any cargo on board; the shipper and consignee of the cargo; the points of origin and destination of the vessel; and the name of an agent in the United States authorized to accept legal process.

Section 3714(c) requires each vessel subject to this chapter to have a person authorized to accept service of legal process for the vessel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3717 of this title.

§ 3715. Lightering

(a) A vessel may transfer oil or hazardous material in a port or place subject to the jurisdiction of the United States, when the cargo has been transferred from another vessel on the navigable waters of the United States or in the marine environment, only if—

(1) the transfer was conducted consistent with regulations prescribed by the Secretary; and

(2) both the delivering and receiving vessels had on board, at the time of transfer, a certificate of inspection or a certificate of compliance, as would have been required under section 3710 or 3711 of this title, had the transfer taken place in a port or place subject to the jurisdiction of the United States.

(b) The Secretary shall prescribe regulations to carry out subsection (a) of this section. The regulations shall include provisions on—

(1) minimum safe operating conditions, including sea state, wave height, weather, proximity to channels or shipping lanes, and other similar factors;

(2) the prevention of spills;

(3) equipment for responding to a spill;

(4) the prevention of any unreasonable interference with navigation or other reasonable uses of the high seas, as those uses are defined by treaty, convention, or customary international law;

(5) the establishment of lightering zones; and

(6) requirements for communication and prearrival messages.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 526.)

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[1] So in original. Probably should be "charterer,".

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3715	46:391a(17)

Section 3715 requires the Secretary to control lightering operations; that is, the transferring of cargoes at sea from large deep-draft vessels to shallow-draft vessels for subsequent transfer to shoreside terminals due to the inability of the larger tank vessels to enter shallow ports. It prohibits a tank vessel from unloading any cargo of oil or hazardous material at any port or terminal under the jurisdiction of the United States, unless the cargo has been transferred in accordance with lightering regulations. It also prohibits the shoreside transfer unless both the delivering and receiving vessels involved in the prior lightering had on board at the time of the offshore transfer, the certificates that would have been required had the transfer taken place in a port or place subject to the jurisdiction of the United States.

The regulations to be prescribed by the Secretary shall include a number of specific considerations but may include any related matters deemed necessary to promote navigation and vessel safety and protection of the marine environment. The Secretary must consider standards for minimum safe operating conditions, including sea state, wave height, weather, vessel traffic, the prevention of oil spills, and oil spill response equipment. In regulating this operation, there must not be any unreasonable interference with international navigation or reasonable uses of the high seas, and there must be established lightering zones with attendant communications and prearrival message requirements.

EFFECTIVE DATE

Section 2(g)(2) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: “Section 3715(a) of title 46 (as enacted by section 1 of this Act) is effective on the day after the effective date of the regulations prescribed by the Secretary under section 3715(b) of title 46.” [Regulations effective Apr. 26, 1984, see 49 F.R. 11170, Mar. 26, 1984.]

§ 3716. Tank washings

(a) A vessel may not transfer cargo in a port or place subject to the jurisdiction of the United States if, before arriving, the vessel has discharged tank washings containing oil or hazardous material in preparation for loading at that port or place in violation of the laws of the United States or in a manner or quantities inconsistent with a treaty to which the United States is a party.

(b) The Secretary shall establish effective control and supervisory measures to carry out this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 527.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3716	46:391a(18)

Section 3716 requires the Secretary to establish effective control and supervisory measures to prohibit the discharge of tank washings by dumping at sea. The section also prohibits the dumping vessel from subsequently loading any cargo at a port or terminal subject to the jurisdiction of the United States. This section is intended to prohibit the practice of discharging a cargo of oil or hazardous substance, then going to sea to clean tanks by pumping tank washing mixtures overboard, and then returning to a port or terminal subject to the jurisdiction of the United States for the purpose of loading a cargo that was incompatible with the prior cargo.

§ 3717. Marine safety information system

(a) The Secretary shall establish a marine safety information system that shall contain information about each vessel to which this chapter applies that operates on the navigable waters of the United States, or that transfers oil or hazardous material in a port or place under the jurisdiction of the United States. In acquiring this information, the Secretary shall make full use of publicly available information. The Secretary may by regulation require the vessel to provide information that the Secretary considers necessary to carry out this subsection, including—

(1) the name of each person with an ownership interest in the vessel;

(2) details of compliance with the financial responsibility requirements of applicable laws or regulations;

(3) registration information, including all changes in the name of the vessel;

(4) the history of marine casualties and serious repair problems of the vessel; and

(5) a record of all inspections and examinations of a vessel conducted under section 3714 of this title.

(b) On written request from the Secretary, the head of each department, agency, or instrumentality of the United States Government shall provide available information that the Secretary considers necessary to confirm the information received under subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 527.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3717	46:391a(16)

Section 3717 requires the Secretary to establish a marine safety information system which is to contain selected information on any tank vessel, foreign or domestic, that comes within the jurisdiction of the United States. This information must be recorded and maintained up-to-date and is available from a number of sources. In some instances, this information is required as a condition of entry. This information shall include certain ownership interests, financial responsibility information, all registered names that the vessel has had since it was built, the present and prior countries of registry, history of accidents or serious repair problems, record of the various inspections or examinations required and any other data the Secretary deems appropriate to carry out the intent of the section. The section also provides for interagency cooperation and the furnishing of available data and information.

§ 3718. Penalties

(a)(1) A person violating this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than $25,000. Each day of a continuing violation is a separate violation.

(2) Each vessel to which this chapter applies that is operated in violation of this chapter or a regulation prescribed under this chapter is liable in rem for a civil penalty under this subsection.

(b) A person willfully and knowingly violating this chapter or a regulation prescribed under this chapter shall be fined not more than $50,000, imprisoned for not more than 5 years, or both.

(c) Instead of the penalties provided by subsection (b) of this section, a person willfully and knowingly violating this chapter or a regulation prescribed under this chapter, and using a dangerous weapon, or engaging in conduct that causes bodily injury or fear of imminent bodily injury to an official authorized to enforce this chapter or a regulation prescribed under this chapter, shall be fined not more than $100,000, imprisoned for not more than 10 years, or both.

(d) The district courts of the United States have jurisdiction to restrain a violation of this chapter or a regulation prescribed under this chapter.

(e) At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel the owner or operator of which is subject to a penalty under this section. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 527.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3718	46:391a(14)

Section 3718 provides the authority to assess civil penalties for violation of the chapter or regulations. Each violation subjects the violator to a penalty not to exceed $25,000 for each violation and, in the case of a continuing violation, each day shall constitute a separate violation and the vessel is liable in rem. The procedures for assessing penalties are found in section 2107 of part A.

With respect to criminal penalties, a willful or knowing violation of the section or a requlation subjects the offender, upon conviction, to a criminal fine of not more than $50,000 for each violation or imprisonment for not more than 1 year, or both. If the willful and knowing violation involves the use of a dangerous weapon or constitutes an assault or battery, the offender is subjected to a fine of not more than $100,000 or imprisonment of not more than 10 years, or both.

In addition, where the owner or operator of the vessel is subject to any of the penalties prescribed, the Secretary of the Treasury is directed to withhold required Customs clearance, at the request of the Secretary. Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

CHAPTER 39—CARRIAGE OF ANIMALS

Sec.
3901. Regulations for accommodations for export animals.
3902. Penalties.

§ 3901. Regulations for accommodations for export animals

The Secretary of Agriculture may prescribe regulations governing the accommodations on board vessels for cattle, horses, mules, asses, sheep, goats, and swine to be carried from the United States to a foreign country. The regulations shall prescribe standards for space, ventilation, fittings, food and water supply, and other requirements the Secretary of Agriculture considers necessary for the safe and proper transportation and humane treatment of those animals. The Secretary of Agriculture may examine any vessel the Secretary of Agriculture considers necessary to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3901	46:466a

Section 3901 contains the authority to regulate accommodations for the export of animals by the Secretary of Agriculture. The regulations shall prescribe standards for space and ventilation and any other requirements considered necessary.

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3902 of this title.

§ 3902. Penalties

When the owner, charterer, managing operator, agent, master, or individual in charge of a vessel carrying animals referred to in section 3901 of this title willfully violates, or causes or permits to be violated, a regulation prescribed under this chapter, the vessel may be prohibited from carrying any such animals from the United States for a period, of not more than one year, that the Secretary of Agriculture directs. The vessel may not be cleared from a port of the United States during that period.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3902	46:466b

Section 3902 prohibits a vessel from carrying animals for a period of not more than one year for any violation of section 3901.

CHAPTER 41—UNINSPECTED VESSELS GENERALLY

Sec.
4101. Application.
4102. Safety equipment.
4103. Exemptions.
4104. Regulations.
4105. Uninspected passenger vessels.
4106. Penalties.

Historical and Revision Notes

Chapter 41 applies to vessels that are not subject to inspection and certification under chapter 33.

The Federal authority to regulate uninspected vessels originated with the Motorboat Act of 1910 (Public Law 61-201, 36 Stat. 462) when Congress established standards with respect to navigation lights, machinery requirements, life preservers, and for the licensing of operators on small vessels carrying passengers. This was an extension of Federal regulatory authority over certain non-steam-propelled vessels, that is, those recreational vessels and commercial vessels that are propelled by machinary other than steam.

Thirty years later, the 1910 Act was amended by the Motorboat Act of 1940 (Public Law 76-484, 54 Stat. 163), which added to the equipment that was required and provided for other regulatory controls. In this manner the Federal Government continued to exercise some degree of maritime safety supervision over the commercial and recreational vessel sector that was "uninspected". This was important because steam towing vessels were coverting to diesel propulsion and were therefore no longer subject to the detailed periodic and extensive hull, machinery, and equipment inspections of a Federal agency. In addition, the number of recreational vessels primarily propelled by gasoline were increasing and were also suffering casualties from explosions and fires.

Amendments

1984—Pub. L. 98-364, title IV, § 402(7)(B), July 17, 1984, 98 Stat. 446, inserted "GENERALLY" in chapter heading.

§ 4101. Application

This chapter applies to an uninspected vessel—

(1) on the navigable waters of the United States; or

(2) owned in the United States and operating on the high seas.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4101	46:526u

Section 4101 makes this chapter applicable to uninspected vessels, as defined in section 2101(43), that operate on the navigable waters of the United States or that are owned in the United States and while operating on the high seas. Therefore a vessel that operates on waters that are considered to be solely State waters would not be subject to these Federal requirements.

Effective Date

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 4102. Safety equipment

(a) Each uninspected vessel propelled by machinery shall be provided with the number, type, and size of fire extinguishers, capable of promptly and effectively extinguishing burning liquid fuel, that may be prescribed by regulation. The fire extinguishers shall be kept in condition for immediate and effective use and so placed as to be readily accessible.

(b) Each uninspected vessel propelled by machinery shall carry at least one readily accessible life preserver or other lifesaving device, of the type prescribed by regulation, for each individual on board.

(c) Each uninspected vessel shall have the carburetors of each engine of the vessel (except an outboard motor) using gasoline as fuel, equipped with an efficient flame arrestor, backfire trap, or other similar device prescribed by regulation.

(d) Each uninspected vessel using a volatile liquid as fuel shall be provided with the means prescribed by regulation for properly and efficiently ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or flammable gases.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4102(a)	46:526g
4102(b)	46:526e
4102(c)	46:526i
4102(d)	46:526j

Section 4102 requires uninspected vessels to comply with certain provisions that incorporate minimum safety equipment and construction requirements. The Committee intends that the term life preserver include all types of personal equipment, including exposure suits with floatation characteristics.

Section Referred to in Other Sections

This section is referred to in section 4103 of this title.

§ 4103. Exemptions

Section 4102(a) of this title does not apply to a vessel propelled by outboard motors when competing in a race previously arranged and announced or, if the vessel is designed and intended only for racing, when operated incidental to tuning up the vessel and its engines for the race.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4103	46:525h

Section 4103 contains an exemption from carrying fire extinguishers, for on a vessel competing in an organized race or a vessel designed and intended for racing only.

§ 4104. Regulations

The Secretary shall prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4104	46:526p

Section 4104 authorizes the Secretary to prescribe regulations to carry out the provisions of this chapter.

§ 4105. Uninspected passenger vessels

Chapter 43 of this title applies to an uninspected passenger vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4105	46:1452 46:1453

Section 4105 provides that an uninspected passenger vessel is subject to Chapter 43, as a recreational vessel even when it is carrying not more than six passengers.

§ 4106. Penalties

If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of $100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4106	46:526o

Section 4106 provides a civil penalty of $100 for a violation of this chapter or a regulation under this chapter. The vessel also is liable in rem.

CHAPTER 43—RECREATIONAL VESSELS

Sec.
4301. Application.
4302. Regulations.
4303. Inspection and testing.
4304. Importation of nonconforming vessels and equipment.
4305. Exemptions.
4306. Federal preemption.
4307. Prohibited acts.
4308. Termination of unsafe operation.
4309. Investigation and reporting.
4310. Repair and replacement of defects.
4311. Penalties and injunctions.

HISTORICAL AND REVISION NOTES

Chapter 43 contians the laws applicable to recreational vessels, which originated primarily with the enactment of the Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213). That Act embraced a number of activities, but the portion restated in this chapter deals with the establishment of national construction and performance standards for recreational vessels and their associated equipment, the necessary flexible regulatory authority for inspection and testing, Federal preemption, certain necessary prohibited acts, enforcement authority, investigation and reporting requirements, procedures for repair and defect notification, and attendant penalties and injunctive relief. These laws are a direct response to the dramatic increase in the number of recreational boats and the Congressional recognition of the maritime safety problems that recreational boating has imposed upon our more than 25 million miles of waterways.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2102, 4105 of this title; title 15 section 2052.

§ 4301. Application

(a) This chapter applies to a recreational vessel and associated equipment carried in the vessel on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas.

(b) Except when expressly otherwise provided, this chapter does not apply to a foreign vessel temporarily operating on waters subject to the jurisdiction of the United States.

(c) Until there is a final judicial decision that they are navigable waters of the United States, the following waters lying entirely in New Hampshire are declared not to be waters subject to the jurisdiction of the United States within the meaning of this section: Lake Winnisquam, Lake Winnipesaukee, parts of the Merrimack River, and their tributary and connecting waters.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4301	46:1453

Section 4301 provides that this chapter is applicable to a recreational vessel that operates on waters subject to the jurisdiction of the United States or that is owned in the United States and while operating on the high seas.

It also provides that a foreign recreational vessel that temporarily uses our waters is not subject to the requirements of this chapter. However, if the vessel remains permanently in the United States, it would be subject to the provisions of this chapter.

Section 4301(c) recognizes the ongoing controversy over the navigability of certain waters of New Hampshire. While a recreational vessel operating on these waters need not meet the requirements of this chapter, it would be prohibited from operating on any other waters subject to the jurisdiction of the United States if it does not comply with these requirements.

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 4302. Regulations

(a) The Secretary may prescribe regulations—

(1) establishing minimum safety standards for recreational vessels and associated equipment, and establishing procedures and tests required to measure conformance with those standards, with each standard—

(A) meeting the need for recreational vessel safety; and

(B) being stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or use of associated equipment (including fuel systems, ventilation systems, electrical systems, sound-producing devices, firefighting equipment, lifesaving devices, signaling devices, ground tackle, life- and grab-rails, and navigational equipment) on recreational vessels and classes of recreational vessels subject to this chapter, and prohibiting the installation, carrying, or use of associated equipment that does not conform with safety standards established under this section; and

(3) requiring or permitting the display of seals, labels, plates, insignia, or other devices

for certifying or evidencing compliance with safety regulations and standards of the United States Government for recreational vessels and associated equipment.

(b) Each regulation prescribed under this section shall specify an effective date that is not earlier than 180 days from the date the regulation was published, unless the Secretary finds that there exists a recreational vessel safety hazard so critical as to require an earlier effective date. However, this period may not be more than 24 months for cases involving, in the discretion of the Secretary, major product design, retooling, or major changes in the manufacturing process.

(c) In prescribing regulations under this section, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations will contribute to recreational vessel safety;

(2) consider relevant available recreational vessel safety standards, statistics, and data, including public and private research, development, testing, and evaluation;

(3) not compel substantial alteration of a recreational vessel or item of associated equipment that is in existence, or the construction or manufacture of which is begun before the effective date of the regulation, but subject to that limitation may require compliance or performance, to avoid a substantial risk of personal injury to the public, that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(4) consult with the National Boating Safety Advisory Council established under section 13110 of this title about the considerations referred to in clauses (1)-(3) of this subsection.

(d) Section 8903 of this title does not apply to a vessel being operated for bona fide dealer demonstrations provided without fee to business invitees. However, if on the basis of substantial evidence, the Secretary decides under this section that requiring vessels so operated to be under the control of licensed individuals is necessary for boating safety, then the Secretary may prescribe regulations requiring the licensing of individuals controlling these vessels in the same manner as provided in chapter 89 of this title for individuals in control of vessels carrying passengers for hire.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 530.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4302	46:1454 46:1455 46:1456 46:1464(g) 46:1488

Section 4302 authorizes the Secretary to prescribe regulations to carry out the provisions of this chapter. In lieu of establishing specific statutory safety requirements, subsection (a) provides flexible regulatory authority to establish uniform standards for the design, construction, materials, and performance of the boats themselves and all associated equipment. It also provides for the display of seals and other devices for certifying or evidencing compliance with applicable safety regulations or standards.

Section 4302(b) requires a regulation prescribed under this section to have an effective date that is not earlier than 180 days from publication. However, in those instances where a safety hazard may be critical an earlier effective date is authorized.

Section 4302(c) requires the Secretary to consider certain objectives in developing regulatory controls and regulations or standards and that there must be an effective consultation process.

Section 4302(d) exempts dealer demonstration boats from the requirement of having to be named by a licensed individual when demonstrating boats to prospective purchasers or other business invitees when no fees are charged. The Secretary may require that boats so used be under control of a licensed individual.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4303, 4306, 4310, 8905, 13110 of this title.

§ 4303. Inspection and testing

(a) Subject to regulations, supervision, and reviews that the Secretary may prescribe, the Secretary may delegate to a person, private or public agency, or organization, or to an officer or employee under the supervision of that person or agency, any work, business, or function related to the testing, inspection, and examination necessary for compliance enforcement and for the development of data to enable the Secretary to prescribe regulations under section 4302 of this title.

(b) The Secretary may—

(1) conduct research, testing, and development necessary to carry out this chapter, including the procurement by negotiation or otherwise of experimental and other recreational vessels or associated equipment for research and testing purposes; and

(2) subsequently sell those vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 531.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4303	46:1457

Section 4303 authorizes the Secretary to delegate to certain persons or agencies or organizations any work, business, or function related to the testing, inspection, and examination necessary for compliance enforcement. The Secretary may also conduct research, testing, and development necessary to carry out this chapter, including procurement of vessels and equipment and their subsequent sale. The Committee wishes to make clear that the Secretary may sell anything that was purchased to test.

§ 4304. Importation of nonconforming vessels and equipment

The Secretary and the Secretary of the Treasury may authorize by joint regulations the importation of any nonconforming recreational vessel or associated equipment on conditions, including providing a bond, that will ensure that the recreational vessel or associated equipment will be brought into conformity with applicable safety regulations and standards of the Government before the vessel or equipment is operated on waters subject to the jurisdiction of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 531.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4304	46:1460

Section 4304 requires the regulation and control of the importation of nonconforming recreational vessels and associated equipment. This is to assure United States manufacturers that foreign imports comply with those regulations and standards in effect for United States products so that all manufacturers will be on this same competitive footing. This is being done in lieu of providing a specific prohibition against the importation of these vessels and equipment that might be considered an imposition of a non-tariff barrier to trade.

§ 4305. Exemptions

If the Secretary considers that recreational vessel safety will not be adversely affected, the Secretary may issue an exemption from this chapter or a regulation prescribed under this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 531.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4305	46:1458

Section 4305 permits the Secretary to grant appropriate exemptions from the requirements of this chapter when recreational vessel safety will not be adversely affected.

Section Referred to in Other Sections

This section is referred to in section 4306 of this title.

§ 4306. Federal preemption

Unless permitted by the Secretary under section 4305 of this title, a State or political subdivision of a State may not establish, continue in effect, or enforce a law or regulation establishing a recreational vessel or associated equipment performance or other safety standard or imposing a requirement for associated equipment (except insofar as the State or political subdivision may, in the absence of the Secretary's disapproval, regulate the carrying or use of marine safety articles to meet uniquely hazardous conditions or circumstances within the State) that is not identical to a regulation prescribed under section 4302 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 531.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4306	46:1459 46:1460

Section 4306 establishes the Federal preemption of recreational boating standards and requirements. A State or a political subdivision may not establish, continue, or enforce a law or regulation establishing a performance or other safety standard that is not identical to a Federal standard. The Secretary may grant an exemption to a State when the State requirement is one that is needed to meet uniquely hazardous conditions or circumstances within a State. This is to provide uniform standards without the imposition of excessive special requirements by individual States.

§ 4307. Prohibited acts

(a) A person may not—

(1) manufacture, construct, assemble, sell or offer for sale, introduce or deliver for introduction into interstate commerce, or import into the United States, a recreational vessel, associated equipment, or component of the vessel or equipment unless—

(A)(i) it conforms with this chapter or a regulation prescribed under this chapter; and

(ii) it does not contain a defect which has been identified, in any communication to such person by the Secretary or the manufacturer of that vessel, equipment or component, as creating a substantial risk of personal injury to the public; or

(B) it is intended only for export and is so labeled, tagged, or marked on the recreational vessel or equipment, including any markings on the outside of the container in which it is to be exported;

(2) affix, attach, or display a seal, document, label, plate, insignia, or other device indicating or suggesting compliance with standards of the United States Government on, in, or in connection with, a recreational vessel or item of associated equipment that is false or misleading; or

(3) fail to provide a notification as required by this chapter or fail to exercise reasonable diligence in carrying out the notification and reporting requirements of this chapter.

(b) A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 531; Pub. L. 98-557, § 8(a), Oct. 30, 1984, 98 Stat. 2862.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
4307(a)	46:1461(a)
4307(b)	46:1461(c)

Section 4307 prohibits certain acts in the manufacture and operation of recreational vessels.

Amendments

1984—Subsec. (a)(1)(A). Pub. L. 98-557 designated existing provisions as cl. (i), substituted "and" for "or", and added cl. (ii).

Section Referred to in Other Sections

This section is referred to in section 4311 of this title.

§ 4308. Termination of unsafe operation

If an official charged with the enforcement of this chapter observes a recreational vessel being operated without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition (as defined in regulations prescribed under this chapter) and, in the judgment of the official, the operation creates an especially hazardous condition, the official may direct the operator of the recreational vessel to take immediate and reasonable steps necessary for the safety of individuals on board the vessel, including directing the operator to return to a mooring and to remain there until the situation creating the hazard is corrected or ended.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 532.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4308	46:1462

Section 4308 authorizes an appropriate official to terminate the unsafe operation of recreational vessels. If the official observes the vessel being operated without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition (as defined in regulations) and believes the operation creates an especially hazardous condition, the operator may be directed to take immediate and reasonable steps necessary for safety, including returning to a mooring and remaining there until the hazard is corrected or ended. This does not prevent the assessment of any applicable civil penalties nor the pursuing of appropriate criminal action.

§ 4309. Investigation and reporting

(a) A recreational vessel manufacturer to whom this chapter applies shall establish and maintain records and reports and provide information the Secretary may require to enable the Secretary to decide whether the manufacturer has acted or is acting in compliance with this chapter and regulations prescribed under this chapter. On request of an officer, employee, or agent authorized by the Secretary, a recreational vessel manufacturer shall permit the officer, employee, or agent to inspect, at reasonable times, factories or other facilities, and records related to deciding whether the manufacturer has acted or is acting in compliance with this chapter and regulations prescribed under this chapter.

(b) Information reported to or otherwise obtained by the Secretary or the representative of the Secretary under this section containing or related to a trade secret or other matter referred to in section 1905 of title 18, or authorized to be exempt from public disclosure by section 552(b) of title 5, is confidential under section 1905. However, on approval of the Secretary, the information may be disclosed to other officers, employees, or agents concerned with carrying out this chapter or when it is relevant in a proceeding under this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 532.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4309	46:1463

Section 4309 requires the establishment and maintenance of certain records by manufacturers, and the inspection and access to these records by the Secretary, at reasonable times, so as to assure Federal enforcement officials that the manufacturer has acted or is in compliance with applicable laws and regulations. It also provides protection for matters related to trade secrets and exemptions from public disclosure.

§ 4310. Repair and replacement of defects

(a) In this section, "associated equipment" includes only items or classes of associated equipment that the Secretary shall prescribe by regulation after deciding that the application of the requirements of this section to those items or classes of associated equipment is reasonable and in furtherance of this chapter.

(b) If a recreational vessel or associated equipment has left the place of manufacture and the recreational vessel manufacturer discovers or acquires information that the manufacturer decides, in the exercise of reasonable and prudent judgment, indicates that a recreational vessel or associated equipment subject to an applicable regulation prescribed under section 4302 of this title either fails to comply with the regulation, or contains a defect that creates a substantial risk of personal injury to the public, the manufacturer shall provide notification of the defect or failure of compliance as provided by subsections (c) and (d) of this section within a reasonable time after the manufacturer has discovered the defect.

(c)(1) The notification required by subsection (b) of this section shall be given to the following persons in the following manner:

(A) by certified mail to the first purchaser for other than resale, except that the requirement for notification of the first purchaser shall be satisfied if the recreational vessel manufacturer exercises reasonable diligence in establishing and maintaining a list of those purchasers and their current addresses, and sends the required notice to each person on that list at the address appearing on the list.

(B) by certified mail to subsequent purchasers if known to the manufacturer.

(C) by certified mail or other more expeditious means to the dealers and distributors of the recreational vessels or associated equipment.

(2) The notification required by subsection (b) of this section is required to be given only for a defect or failure of compliance discovered by the recreational vessel manufacturer within a reasonable time after the manufacturer has discovered the defect or failure, except that the manufacturer's duty of notification under paragraph (1)(A) and (B) of this subsection applies only to a defect or failure of compliance discovered by the manufacturer within one of the following appropriate periods:

(A) if a recreational vessel or associated equipment required by regulation to have a date of certification affixed, 5 years from the date of certification.

(B) if a recreational vessel or associated equipment not required by regulation to have a date of certification affixed, 5 years from the date of manufacture.

(d) The notification required by subsection (b) of this section shall contain a clear description of the defect or failure to comply, an evaluation of the hazard reasonably related to the defect or failure, a statement of the measures to correct the defect or failure, and an undertaking by the recreational vessel manufacturer to take those measures only at the manufacturer's cost and expense.

(e) Each recreational vessel manufacturer shall provide the Secretary with a copy of all notices, bulletins, and other communications to dealers and distributors of that manufacturer, and to purchasers of recreational vessels or associated equipment of that manufacturer, about a defect related to safety in the recreational vessels or associated equipment, and any failure to comply with the regulation or order applicable to the recreational vessels or associated equipment. The Secretary may publish or otherwise disclose to the public information in the notices or other information the Secretary has that the Secretary considers will assist in carrying out this chapter. However, the Secretary may disclose any information that contains or relates to a trade secret only if the Secretary decides that the information is necessary to carry out this chapter.

(f) If, through testing, inspection, investigation, or examination of reports, the Secretary decides that a recreational vessel or associated equipment to which this chapter applies contains a defect related to safety or fails to comply with an applicable regulation prescribed under this chapter and notification under this chapter is appropriate, the Secretary shall notify the recreational vessel manufacturer of the defect or failure. The notice shall contain the findings of the Secretary and shall include a synopsis of the information on which they are based. The manufacturer may then provide the notification required by this chapter to the persons designated in this chapter or dispute the Secretary's decision. If disputed, the Secretary shall provide the manufacturer with an opportunity to present views and establish that there is no such defect or failure. When the Secretary considers it to be in the public interest, the Secretary may publish notice of the proceeding in the Federal Register and provide interested persons, including the National Boating Safety Advisory Council, with an opportunity to comment. If, after presentation by the manufacturer, the Secretary decides that the recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation, the Secretary may direct the manufacturer to provide the notifications specified in this chapter.

(g) The Secretary may prescribe regulations to carry out this section, including the establishment of procedures that require dealers and distributors to assist manufacturers in obtaining information required by this section. A regulation prescribed under this subsection does not relieve a manufacturer of any obligation imposed by this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 532.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4310	46:1464

Section 4310 imposes certain requirements on a recreational vessel and associated equipment manufacturer to provide notification of a defect or the failure of compliance after a manufacturer discovers the defect or failure. This section spells out the procedure for notification and who shall be notified. It assures the public of notification while protecting the manufacturer from the potential of damaging and inaccurate disclosures.

§ 4311. Penalties and injunctions

(a) A person willfully operating a recreational vessel in violation of this chapter or a regulation prescribed under this chapter shall be fined not more than $5,000, imprisoned for not more than one year, or both.

(b) A person violating section 4307(a)(1) of this title is liable to the United States Government for a civil penalty of not more than $2,000, except that the maximum civil penalty may be not more than $100,000 for a related series of violations. When a corporation violates section 4307(a)(1), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for the penalty, in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that—

(1) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the defect or the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

(2) at the time of the order or authorization, the director, officer, or executive employee advised the Secretary in writing of acting under this clause and clause (1) of this subsection.

(c) A person violating any other provision of this chapter or other regulation prescribed under this chapter is liable to the Government for a civil penalty of not more than $1,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(d) When a civil penalty of not more than $200 has been assessed under this chapter, the Secretary may refer the matter of collection of the penalty directly to the United States magistrate of the jurisdiction in which the person liable may be found for collection procedures under supervision of the district court and under an order issued by the court delegating this authority under section 636(b) of title 28.

(e) The district courts of the United States have jurisdiction to restrain a violation of this chapter, or to restrain the sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation into the

United States, of a recreational vessel or associated equipment that the court decides does not conform to safety standards of the Government. A civil action under this subsection shall be brought by filing a petition by the Attorney General for the Government. When practicable, the Secretary shall give notice to a person against whom an action for injunctive relief is contemplated and provide the person with an opportunity to present views and, except for a knowing and willful violation, shall provide the person with a reasonable opportunity to achieve compliance. The failure to give notice and provide the opportunity does not preclude the granting of appropriate relief by the district court.

(f) A person is not subject to a penalty under this chapter if the person—

(1) establishes that the person did not have reason to know, in exercising reasonable care, that a recreational vessel or associated equipment does not conform with the applicable safety standards of the Government or that the person was not advised by the Secretary or the manufacturer of that vessel, equipment or component that the vessel, equipment or component contains a defect which creates a substantial risk of personal injury to the public; or

(2) holds a certificate issued by the manufacturer of that recreational vessel or associated equipment to the effect that the recreational vessel or associated equipment conforms to all applicable recreational vessel safety standards of the Government, unless the person knows or reasonably should have known that the recreational vessel or associated equipment does not so conform.

(g) Compliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 534; Pub. L. 98-557, § 8(b), (c), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4311(a)	46:1483
4311(b)	46:1484(a)
4311(c)	46:1484(b)
4311(d)	46:1484(d)
4311(e)	46:1485
4311(f)	46:1461(b)
4311(g)	46:1489

Section 4311 provides penalties for violating any of the provisions of this chapter or a regulation prescribed under this chapter. For a willful violation the penalty is a criminal fine; all other penalties are civil in nature.

A person violating any of the prohibited acts specified in section 4307(a)(1) is subject to a maximum civil penalty that can go as high as a $100,000 for a related series of violations. However, the section provides for no liability for good faith reliance on certifications of compliance by others within the chain of responsibility and for defects that are not within an individual's responsibility or control.

This section also contains an alternate procedure for the collection of a civil penalty of not more than $200 through a U.S. magistrate in lieu of the civil penalty procedures of the Coast Guard. It also directs the district courts of the United States to restrain the sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a recreational vessel or associated equipment that does not conform to applicable safety standards. Finally, compliance with this chapter or standards, regulations, or orders does not relieve a person from liability at common law or under State law.

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98-557, § 8(b), inserted "defect or the" before "nonconformity".

Subsec. (f)(1). Pub. L. 98-557, § 8(c), added provisions relating to advice by the Secretary or manufacturer of the vessel, equipment or component respecting defects creating substantial risk of personal injury to the public.

CHAPTER 45—FISH PROCESSING VESSELS

Sec.
4501. Application.
4502. Regulations.
4503. Equivalency.
4504. Penalties.

§ 4501. Application

(a) This chapter applies to an uninspected fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products—

(1) on the navigable waters of the United States; or

(2) owned in the United States and operating on the high seas.

(b) This chapter does not apply to the carriage of liquid bulk dangerous cargoes regulated under chapter 37 of this title.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 446.)

§ 4502. Regulations

(a) For each vessel to which this chapter applies, the Secretary shall prescribe regulations for—

(1) navigation equipment, including radars, fathometers, compasses, radar reflectors, lights, sound-producing devices, nautical charts, and anchors;

(2) life saving equipment, including life preservers, exposure suits, lifeboats or life rafts, emergency position indicating radio beacons, signaling devices, bilge pumps, bilge alarms, life- and grab-rails, and medicine chests;

(3) fire protection and firefighting equipment, including fire alarms, portable and semi-portable fire extinguishing equipment, and flame arrestors;

(4) the use and installation of insulation material;

(5) storage methods for flammable or combustible material; and

(6) fuel, ventilation, and electrical systems.

(b) In prescribing regulations under subsection (a) of this section, the Secretary shall—

(1) consider the specialized nature and economics of fish processing vessel operations and the character, design, and construction of fish processing vessels;

(2) consult with representatives of the private sector having experience in the operation of these vessels to ensure the practicability of these regulations; and

(3) not compel alteration of a vessel to which this chapter applies or item of equipment on that vessel, or of the construction of a vessel or manufacture of a particular item of equipment which is begun before the effective date of the regulation.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447, and amended Pub. L. 98-557, § 33(a), Oct. 30, 1984, 98 Stat. 2876.)

AMENDMENTS

1984—Subsec. (b)(3). Pub. L. 98-557 substituted "this chapter" for "the exemption".

§ 4503. Equivalency

A vessel to which this chapter applies is deemed to comply with the requirements of this chapter if it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party and shall not be required by the Secretary to alter or replace the equipment or structural requirements required under this chapter.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447, and amended Pub. L. 98-557, § 33(b), Oct. 30, 1984, 98 Stat. 2876.)

AMENDMENTS

1984—Pub. L. 98-557 substituted "is deemed" for "shall be deemed".

§ 4504. Penalties

If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than $1,000. The vessel also is liable in rem for the penalty.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447.)

[PART C—RESERVED FOR LOAD LINES OF VESSELS]

PART D—MARINE CASUALTIES

CHAPTER 61—REPORTING MARINE CASUALTIES

Sec.
6101. Marine casualties and reporting.
6102. State marine casualty reporting system.
6103. Penalty.

HISTORICAL AND REVISION NOTES

Chapter 61 provides for the reporting of marine casualties and incidents involving all United States flag vessels occurring anywhere in the world and any foreign flag vessel operating on waters subject to the jurisdiction of the United States.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 13102 of this title.

§ 6101. Marine casualties and reporting

(a) The Secretary shall prescribe regulations on the marine casualties to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:

(1) death of an individual.

(2) serious injury to an individual.

(3) material loss of property.

(4) material damage affecting the seaworthiness or efficiency of the vessel.

(b) A marine casualty shall be reported within 5 days as provided in this part and regulations prescribed under this part. Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.

[(c) Repealed. Pub. L. 98-498, title II, § 212(b)(1)(B), Oct. 19, 1984, 98 Stat. 2306.]

(d) This part applies to a foreign vessel when involved in a marine casualty on the navigable waters of the United States.

(e) A marine casualty not resulting in the death of an individual shall be classified according to the gravity of the casualty, as prescribed by regulation, giving consideration to the extent of injuries to individuals, the extent of property damage, the dangers that the casualty creates, and the size, occupation, and means of propulsion of each vessel involved.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98-498, title II, § 212(b)(1), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 98-557, § 7(b)(1), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6101	46:239 46:1486 33:361 33:365
6101(b)	33:362

Section 6101(a) requires the Secretary to prescribe regulations on the types and manner of reporting of marine casualties to be reported under subsection (b) and incidents to be reported under subsection (c). The casualties to be reported must include casualties involving death to an individual, serious injury to an individual, material loss of property, and any damage affecting the seaworthiness or efficiency of the vessel, in addition to the other casualties (if any) the Secretary feels should be reported.

Subsection (b) requires the owner, charterer, agent, master, operator, or individual in charge of a vessel to report within 5 days, any casualty required in subsection (a) or by regulation.

Subsection (c) requires the owner, charterer, managing operator, or agent of a U.S. vessel to immediately determine the status of their vessel if they have not heard from the vessel, if it has not passed a scheduled point, or for any other reason which may indicate the vessel may have been lost or imperiled. If the owner, charterer, managing operator, or agent cannot reach the vessel and determine that it is operating safely, then they shall immediately notify the Coast Guard and provide the Coast Guard with the name and number of the vessel, the names of individuals on board, and any other information that the Coast Guard may request. If communication with the vessel indicates the vessel was involved in a casualty, then the owner, charterer, or agent of the vessel must immediately notify the Coast Guard under subsection (b). Notification to the Coast Guard does not impose or create any additional responsibility for the Coast Guard to take search and rescue action beyond those already existing under title 14, United States Code.

Subsection (d) makes it clear that the reporting requirements under subsection (b) are applicable to foreign vessels involved in a marine casualty when operating on the navigable waters of the United States, whether in innocent passage or not.

Subsection (e) provides for the classification of marine casualties by regulation according to the gravity of the casualty, injuries to individuals, property damage, dangers created, and size, occupation, and means of propulsion of each vessel.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-498, § 212(b)(1)(A), struck out "and incidents" after "marine casualties" in provisions preceding par. (1).

Subsec. (b). Pub. L. 98-557 added provisions relating to alcohol as a contributing factor to the casualty.

Subsec. (c). Pub. L. 98-498, § 212(b)(1)(B), struck out subsec. (c) which related to determination of status of a vessel that may be lost or imperiled and notification of the Coast Guard.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 1, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6103 of this title; title 49 App. section 1903.

§ 6102. State marine casualty reporting system

(a) The Secretary shall prescribe regulations for a uniform State marine casualty reporting system for vessels. Regulations shall prescribe the casualties to be reported and the manner of reporting. A State shall compile and submit to the Secretary reports, information, and statistics on casualties reported to the State, including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty.

(b) The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties together with findings and recommendations the Secretary considers appropriate. If a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98-557, § 7(b)(2), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6102	46:1486

Section 6102(a) requires the Secretary to prescribe regulations for a uniform State marine casualty reporting system for vessels. The Secretary may limit the scope and types of casualties to be investigated and reported by the State. It also requires the State to submit to the Secretary reports, information, and statistics on casualties reported to the State.

Subsection (b) requires the Secretary to analyze the information that is received from the State. It also prohibits the Secretary from disclosing the information, proceeding against any person based on this information, or otherwise using the information, if the State cannot use the information in the same way.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-557 added provisions relating to alcohol as a contributing factor to the casualty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13102 of this title.

§ 6103. Penalty

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to report a casualty as required under section 6101 of this title or a regulation prescribed under section 6101 is liable to the United States Government for a civil penalty of $1,000.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98-498, title II, § 212(b)(2), Oct. 19, 1984, 98 Stat. 2306.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6103	33:361 33:362

Section 6103 provides for a civil penalty of $1,000 for any owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to report a casualty required to be reported under subsection (b) of section 6101 or an incident required to be reported under subsection (c) of section 6101.

AMENDMENTS

1984—Pub. L. 98-498 struck out "or incident" after "a casualty".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

CHAPTER 63—INVESTIGATING MARINE CASUALTIES

Sec.
6301. Investigation of marine casualties.
6302. Public investigations.
6303. Rights of parties in interest.
6304. Subpena authority.
6305. Reports of investigations.
6306. Penalty.
6307. Notifications to Congress.

HISTORICAL AND REVISION NOTES

Chapter 63 sets forth the scope and procedures for the investigation of marine casualties and incidents that are required to be reported by Chapter 61, as well as the rights of parties involved in a casualty.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7705 of this title.

§ 6301. Investigation of marine casualties

The Secretary shall prescribe regulations for the immediate investigation of marine casualties under this part to decide, as closely as possible—

(1) the cause of the casualty, including the cause of any death;

(2) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any individual licensed, certificated, or documented under part E of this subtitle has contributed to the cause of the casualty, or to a death involved in the casualty, so that appropriate remedial action under chapter 77 of this title may be taken;

(3) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any person, including an officer, employee, or member of the Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty;

(4) whether there is evidence that an act subjecting the offender to a civil penalty under the laws of the United States has been committed, so that appropriate action may be undertaken to collect the penalty;

(5) whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution; and

(6) whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6301	46:239

Section 6301 requires the Secretary to prescribe regulations for the immediate investigation of marine casualties in order to determine, as closely as possible, the cause of the casualty; whether the actions of individuals licensed, certificated, or documented have contributed to the cause of the casualty, whether the action of an individual in the Coast Guard contributed to the cause of the casualty, whether there is evidence that an act subjecting the offender to civil or criminal penalty has been committed, and whether there is a need for new laws or to amend or repeal existing laws or regulations in order to prevent a recurrence of the casualty.

CONSTRUCTION

Section 2(h) of Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 599, provided that: "Chapter 63 of title 46 (as enacted by section 1 of this Act) does not supersede section 304(a)(1)(E) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(a)(1)(E))."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6307 of this title; title 49 App. section 1903.

§ 6302. Public investigations

Each investigation conducted under this chapter and regulations prescribed under this chapter shall be open to the public, except when evidence affecting the national security is to be received.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6302	

Section 6302 provides that each investigation conducted under this chapter shall be open to the public, except when evidence affecting the national security of the United States is to be received.

§ 6303. Rights of parties in interest

In an investigation conducted under this chapter, the following shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses:

(1) an owner,

(2) any holder of a license or certificate of registry,

(3) any holder of a merchant mariner's document,

(4) any other person whose conduct is under investigation, and

(5) any other party in interest.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6303	46:239(d)

Section 6303 provides for the rights of parties in interest to an investigation by allowing them to be represented by counsel, to cross examine witnesses, and to call witnesses. This section merely states the rights of a party in interest but does not necessarily determine who is to be considered a party in interest. Clause (4) states that these rights are to be afforded to "any *other* person whose conduct is under investigation" (emphasis added). This implies that clauses (1) through (3) apply to individuals whose conduct is under investigation. If any individual does not qualify for these rights under clauses (1) through (4), that individual can still be entitled to these rights under clause (5), if designated as a party in interest. Since parties in interest are not clearly set out by statute, the Secretary has the authority to do this by regulation under section 6301. Thus the rights of these parties as presently provided for in existing law have been retained.

§ 6304. Subpena authority

(a) In an investigation under this chapter, the attendance and testimony of witnesses, including parties in interest, and the production of any evidence may be compelled by subpena. The subpena authority granted by this section is coextensive with that of a district court of the United States, in civil matters, for the district in which the investigation is conducted.

(b) When a person fails to obey a subpena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpena. The court may punish as contempt any disobedience of its order.

(c) A witness complying with a subpena issued under this section may be paid for actual travel and attendance at the rate provided for witnesses in the district courts of the United States.

(d) An official designated to conduct an investigation under this part may issue subpenas as provided in this section and administer oaths to witnesses.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6304	46:239(e) 46:239(f)

Section 6304 provides an officer investigating a marine casualty with the necessary subpena authority to require the attendance and testimony of witnesses and the production of evidence. It also authorizes a district court of the United States to direct compliance with a subpena.

§ 6305. Reports of investigations

(a) The Secretary shall prescribe regulations about the form and manner of reports of investigations conducted under this part.

(b) Reports of investigations conducted under this part shall be made available to the public, except to the extent that they contain information related to the national security.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6305	46:239(g) 46:239(h)

Section 6305 requires the Secretary to prescribe regulations about the form and manner of reports of investigations of marine casualties. It also provides that the reports shall be available to the public, except for any information they contain related to national security.

§ 6306. Penalty

A person attempting to coerce a witness, or to induce a witness, to testify falsely in connection with a marine casualty, or to induce a witness to leave the jurisdiction of the United States, shall be fined $5,000, imprisoned for one year, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6306	46:239(i)

Section 6306 provides for a $5,000 criminal penalty for anyone attempting to coerce or to induce a witness to a marine casualty investigation to testify falsely or to leave the jurisdiction of the United States.

§ 6307. Notifications to Congress

(a) The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives of any hearing, before the hearing occurs, investigating a major marine casualty involving a death under section 6301 of this title.

(b) The Secretary shall submit to a committee referred to in subsection (a) of this section information on a major marine casualty that is requested by that committee or the chairman of the committee if the submission of that information is not prohibited by a law of the United States.

(c) The Secretary shall submit annually to Congress a summary of the marine casualties reported during the prior fiscal year, together with a brief statement of action taken concerning those casualties.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6307	46:239(j) 33:366

Subsection (a) requires the Secretary to notify the Merchant Marine and Fisheries Committee and the Senate Commerce Committee in advance of any hearing concerning a major marine accident (as defined by regulation) where there has been a loss of life.

Subsection (b) requires the Coast Guard to supply the Merchant Marine and Fisheries Committee and the Senate Commerce Committee with any requested marine casualty information, if its release is not specifically prohibited by law.

Subsection (c) requires the Secretary to submit an annual report to Congress summarizing the marine casualties reported during the prior fiscal year, with a brief statement of action taken concerning those casualties.

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

HISTORICAL AND REVISION NOTES

Part E establishes the authority for the Coast Guard to issue, suspend, and revoke licenses, certificates of registry, and merchant mariner's documents for individuals who are to be engaged on vessels of the United States.

AMENDMENTS

1985—Pub. L. 99-36, § 1(a)(9)(B), May 15, 1985, 99 Stat. 67, substituted "Merchant Seamen Licenses, Certificates, and" for "Licenses, Certificates, and Merchant Mariners'" in part E heading.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3315, 6301 of this title.

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.
7101. Issuing and classifying licenses and certificates of registry.
7102. Citizenship.
7103. Licenses for radio officers.

Sec.
7104. Certificates for medical doctors and nurses.
7105. Oaths.
7106. Duration of licenses.
7107. Duration of certificates of registry.
7108. Termination of licenses and certificates of registry.
7109. Renewal of licenses.
7110. Exhibiting licenses.
7111. Oral examinations for licenses.
7112. Licenses of masters or mates as pilots.
7113. Exemption from draft.
7114. Fees.

Amendments

1984—Pub. L. 98-364, title IV, § 402(8)(A), July 17, 1984, 98 Stat. 447, substituted "Oral examinations for licenses" for "Licenses for fishing vessels not subject to inspection" in item 7111.

Chapter Referred to in Other Sections

This chapter is referred to in title 47 section 155.

§ 7101. Issuing and classifying licenses and certificates of registry

(a) Licenses and certificates of registry are established for individuals who are required to hold licenses or certificates under this subtitle.

(b) Under regulations prescribed by the Secretary, the Secretary—

(1) issues the licenses and certificates of registry; and

(2) may classify the licenses and certificates of registry as provided in subsections (c) and (f) of this section, based on—

(A) the tonnage, means of propulsion, and horsepower of machine-propelled vessels;

(B) the waters on which vessels are to be operated; or

(C) other reasonable standards.

(c) The Secretary may issue licenses in the following classes to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness:

(1) masters, mates, and engineers.

(2) pilots.

(3) operators.

(4) radio officers.

(d) In classifying individuals under subsection (c)(1) of this section, the Secretary shall establish, when possible, suitable career patterns and service and other qualifying requirements appropriate to the particular service or industry in which the individuals are engaged.

(e) An individual may be issued a license under subsection (c)(2) of this section only if the applicant—

(1) is at least 21 years of age;

(2) is of sound health and has no physical limitations that would hinder or prevent the performance of a pilot's duties;

(3) has a thorough physical examination each year while holding the license, except that this requirement does not apply to an individual who will serve as a pilot only on a vessel of less than 1,600 gross tons;

(4) demonstrates, to the satisfaction of the Secretary, that the applicant has the requisite general knowledge and skill to hold the license;

(5) demonstrates proficiency in the use of electronic aids to navigation;

(6) maintains adequate knowledge of the waters to be navigated and knowledge of regulations for the prevention of collisions in those waters;

(7) has sufficient experience, as decided by the Secretary, to evidence ability to handle any vessel of the type and size which the applicant may be authorized to pilot; and

(8) meets any other requirement the Secretary considers reasonable and necessary.

(f) The Secretary may issue certificates of registry in the following classes to applicants found qualified as to character, knowledge, skill, and experience:

(1) pursers.

(2) medical doctors.

(3) professional nurses.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 539; Pub. L. 98-557, § 29(a), Oct. 30, 1984, 98 Stat. 2873.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
7101	46:214 46:224 46:226 46:228 46:229 46:229a 46:229b 46:242 46:243 46:244 46:247

Section 7101(a) provides the authority for the establishment of licenses and certificates of registry for officers and individuals operating vessels who are required to hold them under Subtitle II.

Subsection (b) authorizes the Secretary to issue licenses and certificates of registry based on tonnage, means of propulsion, horsepower, vessel operating area, and other reasonable standards.

Subsection (c) authorizes the Secretary to issue licenses to masters, mates, engineers, pilots, operators, and radio officers when found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness. These qualifying standards must by necessity be reasonable and related to the rigors of the profession.

Subsection (d) requires the Secretary to establish, when possible, suitable career patterns and service for and other qualifying requirements appropriate to the particular service or industry for the individuals so engaged.

Subsection (e) sets forth the requirements that pilots must meet before being issued a license.

Subsection (f) authorizes the Secretary to issue certificates of registry to qualified individuals as pursers, medical doctors, and professional nurses.

Amendments

1984—Subsec. (e)(3). Pub. L. 98-557 added exemption for pilots on a vessel of less than 1,600 gross tons.

Section Referred to in Other Sections

This section is referred to in sections 8302, 8304, 8502, 8503, 8703, 9302, 9303 of this title.

§ 7102. Citizenship

Licenses and certificates of registry for individuals on documented vessels may be issued only to citizens of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7102	46:242 46:1132(a)

Section 7102 requires that any individual issued a license or certificate of registry allowing the individual to be engaged on a documented vessel must be a U.S. citizen.

§ 7103. Licenses for radio officers

(a) A license as radio officer may be issued only to an applicant who has a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) Except as provided in section 7318 of this title, this part does not affect the status of radiotelegraph operators serving on board vessels operating only on the Great Lakes.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7103	46:229a 46:229b 46:229g

Section 7103 requires an applicant for a license as a radio officer to have, as a prerequisite, a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission (FCC). It also excepts radiotelegraph operators that are engaged on Great Lakes vessels from the requirement of having to obtain a radio officer's license.

§ 7104. Certificates for medical doctors and nurses

A certificate of registry as a medical doctor or professional nurse may be issued only to an applicant who has a license as a medical doctor or registered nurse, respectively, issued by a State.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7104	46:243

Section 7104 requires an applicant for a certificate of registry as a medical doctor or professional nurse to have, as a prerequisite, a license as a medical doctor or registered nurse issued by a State.

§ 7105. Oaths

An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath before a designated official, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7105	46:229c 46:231 46:244

Section 7105 requires all individuals who wish to be issued a license or certificate of registry to take an oath before a government official that they will perform all the duties required by law according to their best skill and judgment.

§ 7106. Duration of licenses

A license issued under this part is valid for 5 years. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7106	46:214(c) 46:225 46:226 46:228 46:229 46:229c

Section 7106 sets a 5 year time limit on the validity of a license. It also requires a licensed radio officer to be in continuous possession of an FCC license.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7108 of this title.

§ 7107. Duration of certificates of registry

A certificate of registry issued under this part is not limited in duration. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7107	46:243

Section 7107 specifies that there is no time limit on the validity of a certificate of registry issued to a medical doctor or a professional nurse but is conditioned on the continuous possession of the appropriate license issued by a State.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7108 of this title.

§ 7108. Termination of licenses and certificates of registry

When the holder of a license or certificate of registry, the duration of which is conditioned under section 7106 or 7107 of this title, fails to hold the license required as a condition, the license or certificate of registry issued under this part is terminated.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7108	46:229c 46:243

Section 7108 specifies if any individual issued a license or certificate of registry fails to have the required FCC or appropriate State medical license, the license or certificate is automatically terminated. The suspension and revocation procedures provided in chapter 77 are not applicable in these cases.

§ 7109. Renewal of licenses

A license issued under this part may be renewed for additional 5-year periods.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7109	46:225 46:233

Section 7109 authorizes the Secretary to renew licenses and certificates of registry for additional 5 year periods.

§ 7110. Exhibiting licenses

Each holder of a license issued under this part shall display, within 48 hours after employment on a vessel for which that license is required, the license in a conspicuous place on the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7109	46:229f 46:232

Section 7110 requires licensed individuals to display the license in a conspicuous place on the vessel within 48 hours after they are employed.

§ 7111. Oral examinations for licenses

An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, § 402(8)(B), July 17, 1984, 98 Stat. 447.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7109	46:224a(2)

Section 7111 provides for oral tests for licenses for individuals on fishing vessels that are not required to be inspected under part B.

AMENDMENTS

1984—Pub. L. 98-364 substituted in section catchline "Oral examinations for licenses" for "Licenses for fishing vessels not subject to inspection" and in text "An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle" for "Examinations for licensing individuals on fishing vessels not required to be inspected under part B of this subtitle shall be oral".

§ 7112. Licenses of masters or mates as pilots

A master or mate licensed under this part who also qualifies as a pilot is not required to hold 2 licenses. Instead, the qualification of the master or mate as pilot shall be endorsed on the master's or mate's license.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7112	46:230

Section 7112 provides for the endorsement of a master's or mate's license as a pilot if they meet those specifications. These individuals do not have to hold two separate licenses.

§ 7113. Exemption from draft

A licensed master, mate, pilot, or engineer of a vessel inspected under part B of this subtitle, propelled by machinery or carrying hazardous liquid cargoes in bulk, is not liable to draft in time of war, except for performing duties authorized by the license. When performing those duties in the service of the United States Government, the master, mate, pilot, or engineer is entitled to the highest rate of wages paid in the merchant marine of the United States for similar services. If killed or wounded when performing those duties, the master, mate, pilot, or engineer, or the heirs or legal representatives of the master, mate, pilot, or engineer, are entitled to all the privileges under the pension laws of the United States provided to members of the Armed Forces.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7113	46:225

Section 7113 exempts licensed masters, mates, pilots, and engineers of inspected vessels that are propelled by machinery or carrying hazardous liquid cargo from the Selective Service draft in time of war.

This section also provides that, while serving in that capacity during war, they shall be entitled to the highest rate of pay paid in the U.S. merchant marine for similar services.

If a master, mate, pilot, or engineer is killed or wounded when performing those duties during a war, these individuals, their heirs or legal representatives, are entitled to all the privileges provided to members of the Armed Forces under the pension laws of the United States.

§ 7114. Fees

The Secretary may prescribe by regulation reasonable fees for the inspection of and the issuance of a certificate, license, or permit related to small passenger vessels and sailing school vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7114	46:390a(b)

Section 7114 allows the Secretary to prescribe reasonable fees for the issuance of a certificate of inspection, license, or registry, or permits related to small passenger vessels and sailing school vessels.

CHAPTER 73—MERCHANT MARINERS' DOCUMENTS

Sec.
7301. General.
7302. Issuing merchant mariners' documents and continuous discharge books.
7303. Possession and description of merchant mariners' documents.
7304. Citizenship notation on merchant mariners' documents.
7305. Oaths for holders of merchant mariners' documents.
7306. General requirements and classifications for able seamen.
7307. Able seamen—unlimited.
7308. Able seamen—limited.
7309. Able seamen—special.
7310. Able seamen—offshore supply vessels.
7311. Able seamen—sail.
7311a. Able seamen—fishing industry.
7312. Scale of employment.
7313. General requirements for members of engine departments.
7314. Service requirements for qualified members of engine departments.
7315. Training.
7316. Lifeboatmen.
7317. Tankermen.
7318. Radiotelegraph operators on Great Lakes.
7319. Records of merchant mariners' documents.

HISTORICAL AND REVISION NOTES

Chapter 73 establishes the general requirements for the issuance of a merchant mariners' document to those individuals who are required to have a document prior to engagement or employment on certain vessels of the United States.

AMENDMENTS

1984—Pub. L. 98-364, title IV, § 402(9)(A), July 17, 1984, 98 Stat. 448, added item 7311a.

§ 7301. General

(a) In this chapter—

(1) "service on deck" means service in the deck department in work related to the work usually performed on board vessels by able seamen and may include service on fishing, fish processing, fish tender vessels and on public vessels of the United States;

(2) 360 days is equal to one year's service; and

(3) a day is equal to 8 hours of labor or duty.

(b) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, § 402(9)(B), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7301	46:672(c)

Section 7301 defines "service on deck", "one year's service" and "day" with respect to the qualifying time for the issuance of various types of endorsements as able seamen. This section also provides the Secretary with the authority to prescribe regulations to carry out this chapter.

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-364 substituted "fishing, fish processing, fish tender vessels" for "decked fishing vessels".

§ 7302. Issuing merchant mariners' documents and continuous discharge books

(a) The Secretary shall issue a merchant mariner's document to an individual required to have that document under part F of this subtitle if the individual satisfies the requirements of this part. The document serves as a certificate of identification and as a certificate of service, specifying each rating in which the holder is qualified to serve on board vessels on which that document is required under part F.

(b) The Secretary also may issue a continuous discharge book to an individual issued a merchant mariner's document if the individual requests.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7302	46:239a(c) 46:643(a) 46:643(c) 46:672(i)

Section 7302(a) requires the Secretary to issue a merchant mariner's document to qualified individuals required to have that document as a prerequisite to employment on certain vessels of the United States. The purpose of the document is to serve as positive identification and to specify each rating in which the individual is qualified to serve on vessels.

Subsection (b) allows the Secretary to issue a continuous discharge book to an individual who requests a book.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8701 of this title.

§ 7303. Possession and description of merchant mariners' documents

A merchant mariner's document shall be retained by the seaman to whom issued. The document shall contain the signature, notations of nationality, age, and physical description, the photograph, the thumbprint, and the home address of the seaman. In addition, the document shall specify the rate or ratings in which the seaman is qualified to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7303	46:643(a)

Section 7303 requires seamen to retain their merchant mariner's documents. It also specifies the information that is to be contained in the document.

§ 7304. Citizenship notation on merchant mariners' documents

An individual applying for a merchant mariner's document shall provide satisfactory proof that the individual is a citizen of the United States before that notation is made on the document.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7304	46:643(b)

Section 7304 specifies, that before a merchant mariner's document is noted to specify that the individual is a U.S. citizen, the individual must provide satisfactory proof that he is a citizen. This does not impose a requirement of United States citizenship as a condition for issuance of a document.

§ 7305. Oaths for holders of merchant mariners' documents

An applicant for a merchant mariner's document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7305	

The requirement for an oath, drawn from a clause which had appeared in 46 U.S.C. 672(g), and administered by the Coast Guard to all applicants, was repealed in a 1980 amendment by section 4 of Public Law 96-378 (94 Stat. 1516). Since no specific comment was made regarding the elimination in 1980 and the agency has continued to administer an oath to all applicants, this provision is being reinstated. The Committee believes the oath will contribute to the discipline and order necessary in the merchant marine.

§ 7306. General requirements and classifications for able seamen

(a) To qualify for an endorsement as able seaman authorized by this section, an applicant must provide satisfactory proof that the applicant—

(1) is at least 18 years of age;

(2) has the service required by the applicable section of this part;

(3) is qualified professionally as demonstrated by an applicable examination or educational requirements; and

(4) is qualified as to sight, hearing, and physical condition to perform the seaman's duties.

(b) The classifications authorized for endorsement as able seaman are the following:

(1) able seaman—unlimited.

(2) able seaman—limited.

(3) able seaman—special.

(4) able seaman—offshore supply vessels.

(5) able seaman—sail.

(6) able seaman—fishing industry.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 98-364, title IV, § 402(9)(C), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7306	46:672(b)

Section 7306(a) establishes the minimum requirements an individual must meet before being issued a merchant mariner's document endorsed for able seamen.

Subsection (b) establishes the classifications of able seamen—unlimited, able seamen—limited, able seamen—special, able seamen—offshore supply vessels, and able seamen—sail.

AMENDMENTS

1984—Subsec. (b)(6). Pub. L. 98-364 added par. (6).

EFFECTIVE DATE

Provisions of this section (related to able seaman—sail) effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 7307. Able seamen—unlimited

The required service for the endorsement of able seaman—unlimited, qualified for unlimited service on a vessel on any waters, is at least 3 years' service on deck on board vessels operating at sea or on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7307	46:672(b)(1)

Section 7307 requires individuals to have at least 3 years service on deck on vessels operating at sea or on the Great Lakes before their merchant mariner's documents can be endorsed as able seamen—unlimited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7312, 7315 of this title.

§ 7308. Able seamen—limited

The required service for the endorsement of able seaman—limited, qualified for limited service on a vessel on any waters, is at least 18 months' service on deck on board vessels of at least 100 gross tons operating on the oceans or navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89 Aug. 26, 1983, 97 Stat. 543.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7308	46:672(b)(2)

Section 7308 establishes the minimum service requirements for an individual to qualify for an endorsement as able seamen—limited.

Section Referred to in Other Sections

This section is referred to in sections 7312, 7315 of this title.

§ 7309. Able seamen—special

The required service for the endorsement of able seaman—special, qualified for special service on a vessel on any waters, is at least 12 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7309	46:672(b)(3)

Section 7309 establishes the minimum service requirements for an individual to qualify as able seamen—special.

Section Referred to in Other Sections

This section is referred to in sections 7312, 7315 of this title.

§ 7310. Able seamen—offshore supply vessels

For service on a vessel of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, an individual may be rated as able seaman—offshore supply vessels if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7310	46:672(b)(3)

Section 7310 establishes the minimum service requirements for an individual to serve as able seamen—offshore supply vessels on vessels of less than 500 gross tons engaged in the exploration, exploitation, or production of offshore mineral or energy resources.

Section Referred to in Other Sections

This section is referred to in sections 7312, 7315 of this title.

§ 7311. Able seamen—sail

For service on a sailing school vessel on any waters, an individual may be rated as able seaman—sail if the individual has at least 6 months' service on deck on sailing school vessels, oceanographic research vessels powered primarily by sail, or equivalent sailing vessels operating on the oceans or navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7311	46:672(b)(4)

Section 7311 establishes the minimum service requirements for an individual to qualify as able seamen—sail on board sailing vessels.

Effective Date

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

Section Referred to in Other Sections

This section is referred to in section 7315 of this title.

§ 7311a. Able seamen—fishing industry

For service on a fish processing vessel, an individual may be rated as able seaman—fishing industry if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Added Pub. L. 98-364, title IV, § 402(9)(D), July 17, 1984, 98 Stat. 448.)

Section Referred to in Other Sections

This section is referred to in section 7312 of this title.

§ 7312. Scale of employment

(a) Individuals qualified as able seamen—unlimited under section 7307 of this title may constitute all of the able seamen required on a vessel.

(b) Individuals qualified as able seamen—limited under section 7308 of this title may constitute all of the able seamen required on a vessel of less than 1,600 gross tons or on a vessel operating on the Great Lakes and the Saint Lawrence River as far east as Sept Iles. Individuals qualified as able seamen—limited may constitute not more than 50 percent of the number of able seamen required on board other vessels.

(c) Individuals qualified as able seamen—special under section 7309 of this title may constitute—

(1) all of the able seamen required on a vessel of not more than 500 gross tons or on a seagoing barge or towing vessel; and

(2) not more than 50 percent of the number of able seamen required on board other vessels.

(d) Individuals qualified as able seamen—offshore supply vessels under section 7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(e) When the service of able seaman—limited[1] or able seamen—special is authorized for only a part of the required number of able seamen on board a vessel, the combined percentage of those individuals so qualified may not be greater than 50 percent of the required number.

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[1] So in original. Probably should be "able seamen—limited".

(f) Individuals qualified as able seamen—fishing industry under section 7311a of this title may constitute—

(1) all of the able seamen required on a fish processing vessel entered into service before January 1, 1988, and of more than 1,600 gross tons but not more than 5,000 gross tons; and

(2) all of the able seamen required on a fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products but of not more than 5,000 gross tons.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543; Pub. L. 98-364, title IV, § 402(9)(E), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7312	46:672(f)

Section 7312(a) provides that able seamen—unlimited may constitute all of the able seamen required on a vessel.

Subsection (b) provides that able seamen—limited may constitute 100 percent of the able seamen required on board vessels of less than 600 gross tons operating on the Great Lakes and 50 percent of the number of able seamen required on the larger vessels.

Subsection (c) provides that able seamen—special may constitute 100 percent of the able seamen required on vessels not more than 500 gross tons, or a seagoing barge or towing vessel. Able seamen—special may only constitute up to 50 percent of the number of able seamen required on other vessels.

Subsection (d) provides that able seamen—offshore supply vessels may constitute 100 percent of the number of able seamen required on vessels of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy facilities. They may not serve on board other vessels as an able seaman until they have the appropriate required document.

Subsection (e) provides that the total number of able seamen—limited or able seamen—special may not be greater than 50 percent of the required number of able seamen on a vessel.

AMENDMENTS

1984—Subsec. (f). Pub. L. 98-364 added subsec. (f).

§ 7313. General requirements for members of engine departments

(a) Classes of endorsement as qualified members of the engine department on vessels of at least 100 gross tons (except vessels operating on rivers or lakes (except the Great Lakes)) may be prescribed by regulation.

(b) The ratings of wiper and coal passer are entry ratings and are not ratings as qualified members of the engine department.

(c) An applicant for an endorsement as qualified member of the engine department must provide satisfactory proof that the applicant—

(1) has the service required by section 7314 of this title;

(2) is qualified professionally as demonstrated by an applicable examination; and

(3) is qualified as to sight, hearing, and physical condition to perform the member's duties.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7313	46:672(g)

Section 7313(a) authorizes the Secretary to establish classes of endorsement for qualified members of the engine department on vessels of 100 gross tons or more (except on vessels operating on rivers and lakes (except the Great Lakes)).

Subsection (b) establishes the entry ratings of wiper and coal passer, but specifically excludes them as qualified members of the engine department.

Subsection (c) establishes the minimum qualifications individuals must meet in order to have their documents endorsed as a qualified member of engine department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7314 of this title.

§ 7314. Service requirements for qualified members of engine departments

To qualify for an endorsement as qualified member of the engine department, an applicant must provide proof that the applicant has 6 months' service in the related entry rating as described in section 7313(b) of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7314	46:672(g)

Section 7314 requires individuals who wish to have their documents endorsed as a qualified member of the engine department must have at least 6 months service as a wiper or coal passer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7313, 7315 of this title.

§ 7315. Training

(a) Graduation from a nautical school vessel approved under law and regulation may be substituted for the service requirements under section 7307 or 7314 of this title.

(b) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-third of the required service on deck at sea under sections 7307–7311 of this title.

(c) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-half of the required service at sea under section 7314 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7315	46:672(c)

Section 7315 specifies the training or course work that may be substituted for service requirements for an endorsement as an able seaman or a qualified member of the engine department.

§ 7316. Lifeboatmen

To qualify for an endorsement as lifeboatman, an applicant must provide satisfactory proof that the applicant—

(1) has the service or training required by regulation;

(2) is qualified professionally as demonstrated by examination; and

(3) is qualified professionally by actual demonstration.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7316	46:643(*l*)

Section 7316 establishes the minimum standards an individual must meet in order to qualify for an endorsement as lifeboatman.

§ 7317. Tankermen

(a) The Secretary shall prescribe procedures, standards, and qualifications for the issuance of certificates or endorsements as tankerman, stating the types of oil or hazardous material that can be handled with safety to the vessel and the marine environment.

(b) An endorsement as tankerman shall indicate the grades or types of cargo the holder is qualified and authorized to handle with safety on board vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7317(a)	46:391a(10)(C)

Section 7317(a) establishes the minimum standards an individual must meet in order to qualify for an endorsement as tankerman for various types of oil or hazardous substances.

Subsection (b) specifies that the tankerman's endorsement must specify the grades or types of cargo the holder is qualified and allowed to handle.

§ 7318. Radiotelegraph operators on Great Lakes

(a) A radiotelegraph operator on the Great Lakes only shall have a first-class or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

(b) An endorsement as radiotelegraph operator on the Great Lakes only ends if the holder ceases to hold the license issued by the Commission.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7318	46:229c 46:229g 46:643(a)

Section 7318 specifies that radiotelegraph operators on the Great Lakes shall have a first-class or second-class radiotelegraph operator's license issued by the FCC and need not be licensed as a radio operator by the Coast Guard. However, an endorsement as radio telegraph operator has to be noted on his merchant mariners' document. If the holder ceases to have a valid FCC license, then the endorsement is terminated automatically without recourse to suspension and revocation proceedings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7103 of this title.

§ 7319. Records of merchant mariners' documents

The Secretary shall maintain records on each merchant mariner's document issued, including the name and address of the seaman to whom issued and the next of kin of the seaman. The records are not open to general or public inspection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7319	46:643(f)

Section 7319 requires the Secretary to maintain records on each merchant mariner's document issued and the seaman's next of kin. However, these records are not open for general or public inspection.

CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

Sec.
7501. Duplicates.
7502. Records.
7503. Dangerous drugs as grounds for denial.

§ 7501. Duplicates

(a) If a license, certificate of registry, or merchant mariner's document issued under this part is lost as a result of a marine casualty, the holder shall be supplied with a duplicate without cost.

(b) For any other loss, the seaman may obtain a duplicate on payment of reasonable costs prescribed by regulation by the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99-36, § 1(a)(9)(C), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7501	46:643(h)

Section 7501(a) provides that if a license, certificate or document issued to an individual is lost due to a marine casualty, the individual will be supplied with a duplicate without cost.

Subsection (b) provides that if a license, certificate or document is lost for any reason other than a marine casualty, the seaman must pay a reasonable cost for the replacement.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 substituted "certificate of registry, or merchant mariner's document" for "certificate, or document".

§ 7502. Records

The Secretary shall maintain records on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7502	46:414 46:643(f)

Section 7502 requires the Secretary to maintain records on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariner's documents, and endorsements.

§ 7503. Dangerous drugs as grounds for denial

(a) In this section, "dangerous drug" means a narcotic drug, controlled substance, and marihuana (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(b) A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who—

(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99-36, § 1(a)(9)(D), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7503(a)	46:239a(a) 46:239b(a)

Section 7503 provides that the issuance of a license, certificate, or document may be denied by the Secretary to any individual who has been convicted, within 10 years, of violating a dangerous drug law of the United States or to any individual who has been a user of a dangerous drug, unless the individual provides satisfactory proof of being cured. This includes PCP and LSD. See also the note to section 7704. However, the Secretary may deny issuing a license, certificate or document to the individual who has used or been convicted of a "controlled substance" such as LSD if that use or conviction occurred before the date of enactment of this Act.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-36 substituted "certificate of registry, or merchant mariner's document" for the first reference to "certificate, or document".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 App. section 1903.

CHAPTER 77—SUSPENSION AND REVOCATION

Sec.
7701. General.
7702. Administrative procedure.
7703. Bases for suspension or revocation.
7704. Dangerous drugs as grounds for revocation.
7705. Subpenas and oaths.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 6301, 9303 of this title; title 49 App. section 1903.

§ 7701. General

(a) The purpose of suspension and revocation proceedings is to promote safety at sea.

(b) Licenses, certificates of registry, and merchant mariners' documents may be suspended or revoked for acts described in section 7703 of this title.

(c) When a license, certificate of registry, or merchant mariner's document has been revoked under this chapter, the former holder may be issued a new license, certificate, or document only after it has been decided, under regulations prescribed by the Secretary, that the issuance is compatible with the requirements of good discipline and safety at sea.

(d) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7701	46:239(g)

Section 7701 establishes the general purpose of suspension and revocation proceedings, which is to promote safety at sea. This section also provides the Secretary with the authority to suspend or revoke licenses, certificates, and documents, as well as the authority to issue a new license, certificate or document to an individual when the issuance is compatible with the requirements of good discipline and safety at sea. It also provides for necessary regulatory authority to carry out its purposes.

§ 7702. Administrative procedure

(a) Sections 551-559 of title 5 apply to each hearing under this chapter about suspending or revoking a license, certificate of registry, or merchant mariner's document.

(b) The individual whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under this chapter may appeal, within 30 days, the suspension or revocation to the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, § 1(a)(3), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7702	

Section 7702(a) provides that Sections 551-559 of title 5 of the United States Code shall apply to each involving the suspension or revocation of a license, certificate, or document.

Subsection (b) allows an individual whose license, certificate, or document has been suspended or revoked to appeal it to the Secretary within 30 days.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 substituted "mariner's" for "mariners'".

§ 7703. Bases for suspension or revocation

A license, certificate of registry, or merchant mariner's document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

(2) has committed an act of incompetence, misconduct, or negligence.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, § 1(a)(9)(E), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7703	46:226 46:239 46:240 46:246(c)

This section provides the bases for suspension and revocation of a license, certificate or document. The individual must have been operating under the authority of the required license, certificate, or document and has violated a law or regulation intended to promote marine safety or to protect the navigable waters or has committed an act of incompetence, misconduct, or negligence.

AMENDMENTS

1985—Pub. L. 99-36 substituted "certificate of registry," for first reference to "certificate,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7701 of this title.

§ 7704. Dangerous drugs as grounds for revocation

(a) In this section, "dangerous drug" means a narcotic drug, controlled substance, and marihuana (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(b) If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a State, the license, certificate, or document shall be revoked.

(c) If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate of registry, or merchant mariner's document shall be revoked unless the holder provides satisfactory proof that the holder is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, § 1(a)(9)(F), (G), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7704(a)	46:239a(a)
7704(b)	46:239b(b)(1)
7704(c)	46:239b(b)(2)

Section 7704 requires the Secretary to revoke the license, certificate, or document of any individual who has been convicted of a dangerous drug law within 10 years before the beginning of the suspension or revocation procedures. This section has expanded current law to incorporate violations involving "controlled substances" which are not narcotic. This includes PCP and LSD. Unless it can be done under existing law, the suspension or revocation of an individual's license based on the use of a "controlled substance" only applies to the use or conviction after the date of enactment of this Act.

This section also provides that anyone who has been a user of or addicted to a dangerous drug since July 14, 1954, may be subjected to revocation procedures unless the individual provides satisfactory proof of being cured.

In sections 7503(b)(2) and 7704(c), the term "use", when applying to "narcotic drugs" or "controlled substances", is not intended to include the use of "off the shelf" drugs or drugs acquired with a prescription lawfully issued by a medical doctor, as long as the drugs are used by the individual in the recommended amounts and the drugs will not impair the individual's ability to perform duties.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-36, § 1(a)(9)(F), substituted "merchant mariner's document" for first reference to "document".

Subsec. (c). Pub. L. 99-36, § 1(a)(9)(G), substituted "certificate of registry, or merchant mariner's document" for "certificate, or document".

§ 7705. Subpenas and oaths

(a) An official designated to investigate or preside at a hearing on matters that are grounds for suspension or revocation of licenses, certificates of registry, and merchant mariners' documents may administer oaths and issue subpenas to compel the attendance and testimony of witnesses and the production of records or other evidence during investigations and at hearings.

(b) The jurisdictional limits of a subpena issued under this section are the same as, and are enforceable in the same manner as, subpenas issued under chapter 63 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 547; Pub. L. 99-36, § 1(a)(9)(H), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
7705	46:239(e)

Section 7705 allows officials designated to investigate or preside at hearings on matters that are grounds for suspension and revocation proceedings to administer oaths and issue subpenas.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 substituted "certificates of registry, and merchant mariners' documents" for "certificates, and documents".

PART F—MANNING OF VESSELS

HISTORICAL AND REVISION NOTES

Part F provides for the manning of vessels including requirements generally for the number of individuals required, qualifications and conditions of employment, and duties; for masters and other licenses and registered individuals; for pilots; for unlicensed personnel; for small vessels; for tank vessels; and for pilotage on the Great Lakes. The Committee intends that all manning provisions throughout this subtitle will be interpreted to be consistent with one another.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2101, 2113, 7302, 12306 of this title.

CHAPTER 81—GENERAL

Sec.	
8101.	Complement of inspected vessels.
8102.	Watchmen.
8103.	Citizenship and Naval Reserve requirements.
8104.	Watches.
8105.	Regulations.

HISTORICAL AND REVISION NOTES

Chapter 81 provides for the composition, citizenship, working hours, and other limitations affecting the complement of licensed individuals and crew on certain vessels, a safety watch onboard passenger vessels, membership in the Naval Reserve for certain deck and engineer officers, and penalties for violating, and regulatory authority for implementing its provisions.

§ 8101. Complement of inspected vessels

(a) The certificate of inspection issued to a vessel under part B of this subtitle shall state the complement of licensed individuals and crew (including lifeboatmen) considered by the Secretary to be necessary for safe operation. A manning requirement imposed on a sailing school vessel shall consider the participation of sailing school instructors and sailing school students in the operation of that vessel.

(b) The Secretary may modify the complement, by endorsement on the certificate, for reasons of changed conditions or employment.

(c) A requirement made under this section by an authorized official may be appealed to the Secretary under prescribed regulations.

(d) A vessel to which this section applies may not be operated without having in its service the complement required in the certificate of inspection.

(e) When a vessel is deprived of the service of a member of its complement without the consent, fault, or collusion of the owner, charterer, managing operator, agent, master, or individual in charge of the vessel, the master shall engage, if obtainable, a number of members equal to the number of those of whose services the master has been deprived. The replacements must be of the same or a higher grade or rating than those whose places they fill. If the master finds the vessel is sufficiently manned for the voyage, and replacements are not available to fill all the vacancies, the vessel may proceed on its voyage. Within 12 hours after the vessel arrives at its destination, the master shall report in writing to the Secretary the cause of each deficiency in the complement. A master failing to make the report is liable to the United States Government for a civil penalty of $50 for each deficiency.

(f) The owner, charterer, or managing operator of a vessel not manned as required by this section is liable to the Government for a civil penalty of $100, or, for a deficiency of a licensed individual, a penalty of $500.

(g) A person may not employ an individual as, and an individual may not serve as, a master, mate, engineer, radio officer, or pilot of a vessel to which this part applies or which is subject to inspection under chapter 33 of this title if the individual is not licensed by the Secretary. A person (including an individual) violating this subsection is liable to the Government for a civil penalty of not more than $500. Each day of a continuing violation is a separate offense.

(h) The owner, charterer, or managing operator of a freight vessel of less than 100 gross tons, a small passenger vessel, or a sailing school vessel not manned as required by this section is liable to the Government for a civil penalty of $1,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 547; Pub. L. 98-557, § 29(b), Oct. 30, 1984, 98 Stat. 2873.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8101	46:222 46:224 46:440d

Section 8101 provides for the required composition of the complement of licensed individuals and crew of an inspected vessel when being operated.

Subsection (a) requires that the certificate of inspection for a vessel state the manning necessary for safe navigation. Manning means the complement of licensed officers and crew (including lifeboatmen). Any manning requirements for sailing school vessels shall take into account the participation of sailing school instructors and sailing school students in the operation of those vessels.

Subsection (b) permits the Secretary to modify the manning requirements for reasons of changed conditions or employment.

Subsection (c) permits an appeal to the Secretary of any manning requirements made by an authorized official.

Subsection (d) prohibits the operation of a vessel without the manning required in the vessel's certificate of inspection.

When a vessel has a vacancy in the manning required by its certificate of inspection without the consent, fault, or collusion of anyone responsible for the management or operation of the vessel, subsection (e) requires that the master hire replacements, if possible, in the same or higher grade or rating. However, if the master finds the vessel sufficiently manned and replacements are not available, the vessel may proceed on its voyage. Within 12 hours of arrival at its destination, the master is required to file a written report with the Secretary stating the cause of each deficiency or be liable for a civil penalty. The report of deficiency should include both the reason for the vacancy in the first instance and the reason for the unavailability of a qualified replacement.

Subsections (f), (g) and (h) prescribe civil penalties for noncompliance with manning requirements. Subsection (g) also prohibits the employment or service of an individual in a licensed capacity who is not licensed by the Secretary.

AMENDMENTS

1984—Subsec. (g). Pub. L. 98-557 substituted provisions relating to inspection under chapter 33 of this title, for provisions relating to applicability of part B of this subtitle.

§ 8102. Watchmen

(a) The owner, charterer, or managing operator of a vessel carrying passengers during the nighttime shall keep a suitable number of watchmen in the vicinity of the cabins or staterooms and on each deck to guard against and give alarm in case of a fire or other danger. An owner, charterer, or managing operator failing to provide watchmen required by this section is liable to the United States Government for a civil penalty of $1,000.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a fish processing vessel of more than 100 gross tons shall keep a suitable number of watchmen trained in firefighting on board when hotwork is being done to guard against and give alarm in case of a fire.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 548; Pub. L. 98-364, title IV, § 402(10), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8102	46:470 46:471

Section 8102 requires the person responsible for the management of a vessel carrying passengers to have a suitable watch at night to guard against, and to sound an alarm in case of fire or other danger, or be liable for a civil penalty.

AMENDMENTS

1984—Pub. L. 98-364 designated existing provisions as subsec. (a) and added subsec. (b).

§ 8103. Citizenship and Naval Reserve requirements

(a) Only a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on a documented vessel.

(b) On each departure of a documented vessel (except a fishing or whaling vessel or yacht) from a port of the United States, 75 percent of the seamen (excluding licensed individuals) must be citizens of the United States. If the Secretary decides, on investigation, that qualified citizen seamen are not available, the Secretary may reduce the percentage.

(c) On each departure from the United States of a vessel (except a passenger vessel) for which a construction or operating differential subsidy has been granted, all of the seamen of the vessel must be citizens of the United States.

(d)(1) On each departure from the United States of a passenger vessel for which a construction or operating differential subsidy has been granted, at least 90 percent of the entire complement (including licensed individuals) must be citizens of the United States.

(2) An individual not required by this subsection to be a citizen of the United States may be engaged only if the individual has a declaration of intention to become a citizen of the United States or other evidence of admission to the United States for permanent residence. An alien may be employed only in the steward's department of the passenger vessel.

(e) If a documented vessel is deprived for any reason of the services of an individual (except the master) when on a foreign voyage and a vacancy consequently occurs, until the vessel's first return to a United States port at which a replacement who is a citizen of the United States can be obtained, an individual not a citizen of the United States may serve in—

(1) the vacancy; or

(2) a vacancy resulting from the promotion of another individual to fill the original vacancy.

(f) A person employing an individual in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of $500 for each individual so employed.

(g) A deck or engineer officer employed on a vessel on which an operating differential subsidy is paid, or employed on a vessel (except a vessel of the Coast Guard or Saint Lawrence Seaway Development Corporation) owned or operated by the Department of Transportation or by a corporation organized or controlled by the Department, if eligible, shall be a member of the Naval Reserve.

(h) The President may—

(1) suspend any part of this section during a proclaimed national emergency; and

(2) when the needs of commerce require, suspend as far and for a period the President considers desirable, subsection (a) of this section for crews of vessels of the United States documented for foreign trade.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 548.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8103	46:221 46:236 46:672(h) 46:672a 46:690 46:1132

Section 8103 sets forth the requirements for citizenship and Naval Reserve membership for the complement on a vessel documented under the laws of the United States.

Subsection (a) requires that the master, chief engineer, or officer in charge of a deck or engineering watch on a United States documented vessel be a United States citizen.

Subsection (b) requires that 75 percent of the seamen, excluding licensed individuals, on a United States documented vessel be United States citizens, except for a fishing or whaling vessel or yacht. The

Secretary may reduce the percentage if the Secretary decides on investigation that United States seamen are not available. This investigation and percentage reduction authority is the sole responsibility of the Secretary of Transportation and accordingly the Secretary is to make these decisions expeditiously, promptly, and independently so as not to be dependent on any other agency to make this reduction. The Committee believes the Secretary is capable of this decision and need not delay or fail to make the decision because some other agency does not have the information or would require an extended period to acquire that information. The phrase "for any reason" is used merely to emphasize the complete discretion of the Secretary in making this decision. In addition, because this decision is based on an investigation, formal procedures of the Administrative Procedure Act do not apply.

Subsections (c) and (d) provide that a vessel, except a passenger vessel, on departure from the United States that has been granted a construction or operating differential subsidy have a higher percentage citizenship requirement. Subsection (c) requires all of the crew and employees of a cargo vessel be United States citizens. Subsection (d) requires at least 90 percent of the entire complement of a passenger vessel be United States citizens. The phrase "including all licensed individuals" emphasizes that all licensed individuals are required to be United States citizens as required by subsection (a) and that they compose part of the 90 percent requirement under this subsection. Further, under subsection (d), the balance of the complement must be individuals who have a declaration of intention to become a United States citizen or evidence of admission to the United States as a permanent resident and may only be employed in the steward's department of the passenger vessel.

Except for the master, subsection (e) permits a non-United States citizen to fill a vacancy that occurs for any reason on a United States documented vessel during a foreign voyage until the vessel returns to a United States port where a United States citizen replacement can be obtained. The phrase "for any reason" is used merely for emphasis.

Subsection (f) provides for the penalty for violation of this section.

Subsection (g) requires a deck or engineer officer on a vessel that has been granted an operating differential subsidy or is under the control by the Department of Transportation to be, if eligible, a member of the Naval Reserve. This section does not apply to a vessel of the Coast Guard or the Saint Lawrance Seaway Development Corporation.

Subsection (h) permits the President to suspend the requirements of this section during a proclaimed national emergency or the requirement of subsection (a) for United States vessels documented for foreign trade when the needs of commerce require.

§ 8104. Watches

(a) An owner, charterer, managing operator, master, individual in charge, or other person having authority may permit an officer to take charge of the deck watch on a vessel when leaving or immediately after leaving port only if the officer has been off duty for at least 6 hours within the 12 hours immediately before the time of leaving.

(b) On an oceangoing or coastwise vessel of not more than 100 gross tons (except a fishing, fish processing, or fish tender vessel), a licensed individual may not be required to work more than 9 of 24 hours when in port, including the date of arrival, or more than 12 of 24 hours at sea, except in an emergency when life or property are endangered.

(c) On a towing vessel (except a towing vessel operated only for fishing, fish processing, fish tender, or engaged in salvage operations) operating on the Great Lakes, harbors of the Great Lakes, and connecting or tributary waters between Gary, Indiana, Duluth, Minnesota, Niagara Falls, New York, and Ogdensburg, New York, a licensed individual or seaman in the deck or engine department may not be required or permitted to work more than 8 hours in one day, except in an emergency when life or property are endangered.

(d) On a merchant vessel of more than 100 gross tons (except a vessel only operating on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons, yacht, or vessel engaged in salvage operations), the licensed individuals, sailors, coal passers, firemen, oilers, and water tenders shall be divided, when at sea, into at least 3 watches, and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. The requirement of this subsection applies to radio officers only when at least 3 radio officers are employed. A licensed individual or seaman in the deck or engine department may not be required to work more than 8 hours in one day.

(e) On a vessel designated by subsections (c) and (d) of this section—

(1) a seaman may not be—

(A) engaged to work alternately in the deck and engine departments; or

(B) required to work in the engine department if engaged for deck department duty or required to work in the deck department if engaged for engine department duty;

(2) a seaman may not be required to do unnecessary work on Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day, when the vessel is in a safe harbor, but this clause does not prevent dispatch of a vessel on a voyage; and

(3) when the vessel is in a safe harbor, 8 hours (including anchor watch) is a day's work.

(f) Subsections (d) and (e) of this section do not limit the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, any part of the crew is needed for—

(1) maneuvering, shifting the berth of, mooring, or unmooring, the vessel;

(2) performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;

(3) saving life on board another vessel in jeopardy; or

(4) performing fire, lifeboat, or other drills in port or at sea.

(g) On a towing vessel (except a vessel to which subsection (c) of this section applies), an offshore supply vessel, or a barge to which this section applies, that is engaged on a voyage of less than 600 miles, the licensed individuals and crewmembers (except the coal passers, firemen, oilers, and water tenders) may be divided, when at sea, into at least 2 watches.

(h) On a vessel to which section 8904 of this title applies, an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency.

(i) A person violating subsection (a) or (b) of this section is liable to the United States Government for a civil penalty of $100.

(j) The owner, charterer, or managing operator of a vessel on which a violation of subsection (c), (d), (e), or (h) of this section occurs is liable to the Government for a civil penalty of $500. The seaman is entitled to discharge from the vessel and receipt of wages earned.

(k) On a fish processing vessel subject to inspection under part B of this subtitle, the licensed individuals and deck crew shall be divided, when at sea, into at least 3 watchers.[1]

(*l*) Except as provided in subsection (k) of this section, on a fish processing vessel, the licensed individuals and deck crew shall be divided, when at sea, into at least 2 watches if the vessel—

(1) entered into service before January 1, 1988, and is more than 1,600 gross tons; or

(2) entered into service after December 31, 1987, and has more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(m) This section does not apply to a fish processing vessel—

(1) entered into service before January 1, 1988, and not more than 1,600 gross tons; or

(2) entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 549; Pub. L. 98-364, title IV, § 402(11), July 17, 1984, 98 Stat. 448; Pub. L. 98-557, § 33(c), Oct. 30, 1984, 98 Stat. 2876.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8104	46:235 46:405(b) 46:673

Section 8104 prescribes certain working hours and conditions under which working hours are set. The Committee intends that these sections be interpreted in a manner consistent with one another.

Subsection (a) permits an individual to take charge of the deck watch on leaving port and immediately thereafter only if the individual has been off duty for 6 of the 12 hours immediately prior to departure.

Subsection (b) prohibits a licensed individual from being required to work more than 9 of 24 hours in port or more than 12 of 24 hours at sea on an oceangoing or coastwise vessel of not more than 100 gross tons, except in an emergency.

Subsection (c) prescribes a maximum 8-hour day for licensed individuals and seamen on towing vessels operating on the Great Lakes and certain connecting or tributary waters.

Subsection (d) requires certain members of the complement of certain merchant vessels of more than 100 gross tons to be divided into at least 3 successive watches when at sea. This requirement applies to radio officers only when at least 3 radio officers are employed. Subsection (d) also prescribes a maximum 8-hour work day for licensed individuals and seamen on these vessels.

For the Great Lakes towing vessels and merchant vessels in subsections (c) and (d), subsection (e) requires that seamen be hired only for work in either the deck or the engine department. When in a safe harbor, seamen may be required to do only necessary work on Sundays and certain holidays, unless the vessel is getting underway on a voyage. Further, when in a safe harbor, this subsection restates the maximum 8-hour work day which applies even for anchor watch.

Subsection (f) states that the limitations in subsections (d) and (e) do not apply if the master or other officer decides the crew is needed for certain routine, safety, or rescue activities.

Subsection (g) provides that for a towing vessel (except a Great Lakes towing vessel under subsection (c)), offshore supply vessel, or barge on a voyage of less than 600 miles, the licensed officers and certain crewmembers may be divided into not less than two watches when at sea.

Subsection (h) provides that the licensed operator for a towing vessel at least 26 feet long may not be required to work more than 12 of 24 hours, except in an emergency.

Subsections (i) and (j) prescribe penalties for violations of the provisions of this section and, in certain instances, entitles the seaman to discharge and payment of wages.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-364, § 402(11)(A), substituted "100 gross tons (except a fishing, fish processing, or fish tender vessel)" for "100 gross tons".

Subsec. (c). Pub. L. 98-364, § 402(11)(B), substituted "fishing, fish processing, fish tender," for "fishing".

Subsec. (d). Pub. L. 98-364, § 402(11)(C), substituted "a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons" for "a fishing or whaling vessel".

Subsec. (k). Pub. L. 98-557 substituted "shall" for "may".

Pub. L. 98-364, § 402(11)(D), added subsec. (k).

Subsec. (*l*). Pub. L. 98-557 substituted "shall" for "may" in provisions preceding par. (1).

Pub. L. 98-364, § 402(11)(D), added subsec. (*l*).

Subsec. (m). Pub. L. 98-364, § 402(11)(D), added subsec. (m).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8702 of this title.

§ 8105. Regulations

The Secretary may prescribe regulations to carry out this part.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 550.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8105	

Section 8105 authorizes the Secretary to prescribe regulations for this part.

CHAPTER 83—MASTERS AND OFFICERS

Sec.
8301. Minimum number of licensed individuals.
8302. Staff department.
8303. Service under licenses issued without examination.

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[1] So in original. Probably should be "watches".

Sec.	
8304.	Implementing the Officers' Competency Certificates Convention, 1936.

HISTORICAL AND REVISION NOTES

For certain vessels of the United States, chapter 83 prescribes the minimum number of licensed individuals (including masters), establishes the staff department consisting of medical and clerical personnel, restricts service under certain licenses issued without examination, and implements the Officers' Competency Certificates Convention of 1936.

§ 8301. Minimum number of licensed individuals

(a) Except as provided in chapter 89 of this title and except for a vessel operating only on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a vessel subject to inspection under chapter 33 of this title shall engage a minimum of licensed individuals as follows:

(1) Each of those vessels propelled by machinery or carrying passengers shall have a licensed master.

(2) A vessel of at least 1,000 gross tons and propelled by machinery shall have 3 licensed mates. However, if the vessel is on a voyage of less than 400 miles from port of departure to port of final destination, it shall have 2 licensed mates.

(3) A vessel of at least 200 gross tons but less than 1,000 gross tons and propelled by machinery shall have 2 licensed mates.

(4) A vessel of at least 100 gross tons but less than 200 gross tons and propelled by machinery shall have one licensed mate. However, if the vessel is on a voyage of more than 24 hours, it shall have 2 licensed mates.

(5) A freight vessel or a passenger vessel of at least 300 gross tons and propelled by machinery shall have a licensed engineer.

(b) An offshore supply vessel on a voyage of less than 600 miles shall have a licensed mate. However, if the vessel is on a voyage of at least 600 miles, the vessel shall have 2 licensed mates. An offshore supply vessel of more than 200 gross tons may not be operated without a licensed engineer.

(c) Subsection (a) of this section does not apply to a fishing or whaling vessel or a yacht.

(d) The Secretary may—

(1) suspend any part of this chapter during a national emergency proclaimed by the President; and

(2) increase the number of licensed individuals on a vessel to which this chapter applies if, in the Secretary's judgment, the vessel is not sufficiently manned for safe operation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 550; Pub. L. 98-557, § 29(c), (d), Oct. 30, 1984, 98 Stat. 2873, 2874.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8301	46:223 46:404-1(8)

Section 8301 prescribes the minimum number of licensed individuals on board certain vessels based on the vessel's size or propulsion, length of voyage by distance or time, or any combination of these factors. Subsection (a) applies to certain merchant and passenger carrying vessels of the United States, each of which must have a licensed master regardless of the factors listed above. Subsection (b) applies to offshore supply vessels. Subsection (c) exempts fishing or whaling vessels or yachts from these requirements.

Subsection (d) permits the Secretary to suspend any part of this chapter during a declared national emergency or to increase the number of licensed individuals required by this chapter if required for safe operation of a vessel.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-557, § 29(c), in provisions preceding par. (1) added exception for the Great Lakes and substituted provisions relating to inspection under chapter 33 of this title for provisions relating to applicability of part B of this subtitle.

Subsec. (a)(1). Pub. L. 98-557, § 29(d), added "propelled by machinery or carrying passengers".

§ 8302. Staff department

(a) This section applies to a vessel of the United States except—

(1) a fishing or whaling vessel or a yacht;

(2) a vessel operated only on bays, sounds, inland waters, and lakes (except the Great Lakes); and

(3) a vessel ferrying passengers and cars on the Great Lakes.

(b) The staff department on a vessel is a separate and independent department. It consists of individuals registered under section 7101 of this title, clerks, and individuals assigned to the senior registered medical doctor.

(c) The staff department is composed of a medical division and a purser's division. The officer in charge of each division is responsible only to the master. The senior registered medical doctor is in charge of the medical division. The senior registered purser is in charge of the purser's division.

(d) The officer in charge of the purser's division of the staff department on an oceangoing passenger vessel licensed to carry more than 100 passengers shall be a registered chief purser. When more than 3 persons are employed in the purser's division of that vessel, there also shall be at least one registered senior assistant purser and one registered junior assistant purser.

(e) A person may not employ an individual to serve in, and an individual may not serve in, a grade of staff officer on a vessel, when that staff officer is required by this section to be registered, if the individual does not have a certificate of registry as staff officer in that grade. A person (including an individual) violating this subsection is liable to the United States Government for a civil penalty of $100. However, if a registered staff officer is not available at the time of sailing, the vessel may sail with an unregistered staff officer or without a staff officer.

(f) A staff officer may not be included in a vessel's certificate of inspection.

(g) A registered staff officer serving under this section who is a member of the Naval Reserve may wear on the officer's uniform special distinguishing insignia prescribed by the Secretary of the Navy.

(h) The uniform stripes, decoration, or other insignia worn by a staff officer shall be of gold braid or woven gold or silver material. A crewmember (except a staff officer) may not wear any uniform with a staff officer's identifying insignia.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 551; Pub. L. 99-36, § 1(a)(4), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8302(a)-(d)	46:242 46:248
8302(e), (f)	46:246(a)
8302(g)	46:245(a)
8302(h)	46:245(b)

Section 8302 sets forth the organization and manning requirements of the staff department of a vessel. The staff department has medical and clerical responsibilities.

Subsection (a) applies this section to every United States vessel except a yacht, a fishing, whaling, or certain types of inland waterway vessel, and a ferry carrying passengers or cars on the Great Lakes. A ferry is a vessel that primarily carries passengers, cars, or trains from shore to shore as a means to connect existing points on a transportation route so that the same type of transportation mode may continue to be used upon arrival at either point. Vessels carrying cars as cargo would not be included in this type of vessel.

Subsection (b) establishes the staff department as a separate one consisting of registered individuals (pursers, medical doctors, and professional nurses), clerks, and medical assistants. Subsection (c) divides the department into a medical division and a purser's division and designates the individual in charge of each division. Subsection (d) prescribes particular requirements of the purser's division based on size of the vessel or number of individuals employed in the division.

Subsection (e) prohibits the employment or service of an individual who is not registered or of the grade as required under this section and prescribes a penalty for violation of the subsection. This penalty applies to both the employer and the individual employed. If a registered staff officer is unavailable at the time of departure for a voyage, the vessel may proceed on its voyage with either an unregistered staff officer or without a staff officer.

Subsection (f) prohibits including a staff officer on a vessel's certificate of inspection.

Subsections (g) and (h) prescribe the type and restrictions for the uniform accouterments of a staff officer.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-36 inserted a comma after "clerks".

§ 8303. Service under licenses issued without examination

An individual issued a license without examination before October 29, 1941, to serve as master, mate, or engineer on a vessel not subject to inspection under part B of this subtitle, may not serve under authority of that license on a vessel that is subject to inspection under part B.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 552.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8303	46:224a

Section 8303 prohibits an individual licensed without an examination on an uninspected vessel prior to October 29, 1941, from serving as a master, mate, or engineer on an inspected vessel.

§ 8304. Implementing the Officers' Competency Certificates Convention, 1936

(a) In this section, "high seas" means waters seaward of the Boundary Line.

(b) The Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, on the minimum requirement of professional capacity for masters and officers on board merchant vessels), as ratified by the President on September 1, 1938, with understandings appended, and this section apply to a documented vessel operating on the high seas except—

(1) a public vessel;

(2) a wooden vessel of primitive build, such as a dhow or junk;

(3) a barge; and

(4) a vessel of less than 200 gross tons.

(c) A person may not engage or employ an individual to serve as, and an individual may not serve as, a master, mate, or engineer on a vessel to which this section applies, if the individual does not have a license issued under section 7101 of this title authorizing service in the capacity in which the individual is to be engaged or employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of $100.

(e) A license issued to an individual to whom this section applies is a certificate of competency.

(f) A designated official may detain a vessel to which this section applies (by written order served on the owner, charterer, managing operator, agent, master, or individual in charge of the vessel) when there is reason to believe that the vessel is about to proceed from a port of the United States to the high seas in violation of this section or a provision of the convention described in subsection (b) of this section. The vessel may be detained until the vessel complies with this section. Clearance may not be granted to a vessel ordered detained under this section.

(g) A foreign vessel to which the convention described in subsection (b) of this section applies, on the navigable waters of the United States, is subject to detention under subsection (f) of this section, and to an examination that may be necessary to decide if there is compliance with the convention.

(h) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel detained under subsection (f) or (g) of this section may appeal the order within 5 days as provided by regulation.

(i) An officer or employee of the Customs Service may be designated to enforce this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 552.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
8304	46:224a 46:241

Section 8304 implements the Officers' Competency Certificates Convention, 1936, as ratified by the President on September 1, 1938, with understandings appended.

Subsection (a) defines "high seas" for this section. Subsection (b) implements the Convention, applies the Convention to United States vessels on the high seas, and exempts certain vessels.

Subsection (c) prohibits the employment or service of an individual as a master, mate, or engineer on a vessel under this section unless the individual has a license issued under section 7101 for the particular capacity in which the individual is employed.

Subsection (d) prescribes a civil penalty for violating this section.

Subsection (e) states that the license referred to in subsection (c) is a certificate of competency for purposes of the Convention.

Subsection (f) provides for the detention of a vessel in violation of this section or the Convention.

Subsection (g) applies the detention provision to a foreign vessel on the navigable waters of the United States and subjects it to an examination for compliance with the Convention.

Subsection (h) provides for an appeal of the detention order.

Subsection (i) permits the designation of a Customs Service officer or employee to enforce this section.

References in Text

The Officers' Competency Certificates Convention, 1936, referred to in subsec. (b), is set out in 54 Stat. Pt. 2, p. 1683.

CHAPTER 85—PILOTS

Sec.
8501. State regulation of pilots.
8502. Federal pilots required.
8503. Federal pilots authorized.

Historical and Revision Notes

Chapter 85 provides for State pilotage to be regulated by the States and only in conformity with the laws of the States. It clearly spells out the preeminence of the State's role in regulating pilots for vessels operating on the bays, rivers, harbors, and ports of the United States. However, those vessels that are required to have a Federally licensed pilot, those that operate on waters outside the territorial sea of the United States, and those that operate on waters of the Great Lakes are not subject to State pilotage laws or requirements. In essence this chapter, with minor changes, confirms the State and Federal relationship with respect to pilotage that has evolved since the founding of the Nation.

This chapter permits the continuation of Federal pilotage requirements for vessels that are not required to obtain compulsory State pilotage. It confirms the practice of allowing anyone with a Federal pilotage endorsement for the waters in which the vessel is operating to be in control of a vessel when engaged in the coastwide trade. It also confirms the practice of using Federal pilots that are often organized into groups or working organizations who offer their expertise and services to vessels that are not required to obtain compulsory State pilotage.

Amendments

1984—Pub. L. 98-557, § 29(f)(3)(B), Oct. 30, 1984, 98 Stat. 2874, added item 8503.

§ 8501. State regulation of pilots

(a) Except as otherwise provided in this subtitle, pilots in the bays, rivers, harbors, and ports of the United States shall be regulated only in conformity with the laws of the States.

(b) The master of a vessel entering or leaving a port on waters that are a boundary between 2 States, and that is required to have a pilot under this section, may employ a pilot licensed or authorized by the laws of either of the 2 States.

(c) A State may not adopt a regulation or provision that discriminates in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or against vessels because of their means of propulsion, or against public vessels of the United States.

(d) A State may not adopt a regulation or provision that requires a coastwise vessel to take a pilot licensed or authorized by the laws of a State if the vessel—

(1) is propelled by machinery and subject to inspection under part B of this subtitle; or

(2) is subject to inspection under chapter 37 of this title.

(e) Any regulation or provision violating this section is void.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 553; Pub. L. 98-557, § 29(e), Oct. 30, 1984, 98 Stat. 2874.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
8501(a)	46:211
8501(b)	46:212
8501(c), (e)	46:213
8501(d)	46:215

Section 8501 establishes the general proposition that the States regulate pilots in the bays, rivers, harbors, and ports of the United States, unless otherwise specifically provided by law.

Subsection (a) states this general proposition and uses the word "only" for emphasis on this point. Further, except as specifically provided in law, the Committee intends that this chapter not be construed to annul or affect any regulation established by the laws of a State requiring a vessel entering or leaving a port in that State to employ a pilot licensed or authorized by the laws of that State. In at least two places in current law, this general proposition is stated in both a positive and negative manner. The Committee intends to consolidate those separate statements into one provision to avoid ambiguity and redundancy.

Subsections (b) and (c) contain provisions regarding pilotage in waters between two States.

Subsection (d) prohibits a State from requiring a State licensed pilot on certain coastwise vessels.

Subsection (e) voids any regulation or provision violating this section.

Amendments

1984—Subsec. (a). Pub. L. 98-557 substituted "subtitle" for "part".

§ 8502. Federal pilots required

(a) Except as provided in subsection (g) of this section, a coastwise seagoing vessel shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

(1) not sailing on register;

(2) underway;

(3) not on the high seas; and

(4)(A) propelled by machinery and subject to inspection under Part B of this subtitle; or

(B) subject to inspection under chapter 37 of this title.

(b) The fees charged for pilotage by pilots required under this section may not be more than the customary or legally established rates in the States in which the pilotage is performed.

(c) A State or political subdivision of a State may not impose on a pilot licensed under this subtitle an obligation to procure a State or other license, or adopt any other regulation that will impede the pilot in the performance of the pilot's duties under the laws of the United States.

(d) A State or political subdivision of a State may not levy pilot charges on a vessel lawfully piloted by a pilot required under this section.

(e) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of $500. The vessel also is liable in rem for the penalty.

(f) An individual serving as a pilot without having a license required by this section or a regulation prescribed under this section is liable to the Government for a civil penalty of $500.

(g) The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 553; Pub. L. 98-557, § 29(f)(1), (2), Oct. 30, 1984, 98 Stat. 2874.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8502	46:215 46:364 46:391a 46:497

Section 8502 sets forth the provisions and requirements for pilots licensed under section 7101. It is an exception provided by law envisioned under section 8501(a).

Subsection (a) applies the requirement for a Federal pilot to coastwise seagoing vessels if propelled by machinery and inspected under part B or if inspected under chapter 37, including a tank barge. The section has been carefully worded to clearly set out those vessels that are required at times to have a Federal pilot.

Subsection (b) prohibits Federal pilot fees from being higher than those required for State pilots. Subsections (c) and (d) prohibit States from imposing impediments to the proper performance of, or levying charges related to, Federal pilotage.

Subsections (e) and (f) prescribe civil penalties for violation of this section.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-557, § 29(f)(1), amended subsec. (a) generally, which prior to amendment read as follows: "A coastwise seagoing vessel, when not sailing on register and when underway (except on the high seas), shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

"(1) propelled by machinery and subject to inspection under part B of this subtitle; or

"(2) subject to inspection under chapter 37 of this title."

Subsec. (g). Pub. L. 98-557, § 29(f)(2), added subsec. (g).

§ 8503. Federal pilots authorized

(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

(1) engaged in foreign commerce; and

(2) operating on the navigable waters of the United States.

(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

(1) establishes a requirement for a State licensed pilot; and

(2) notifies the Secretary of that fact.

(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(e) A person that knowingly violates this section or a regulation prescribed under this section shall be fined not more than $50,000, imprisoned for not more than five years, or both.

(Added Pub. L. 98-557, § 29(f)(3)(A), Oct. 30, 1984, 98 Stat. 2874.)

CHAPTER 87—UNLICENSED PERSONNEL

Sec.
8701. Merchant mariners' documents required.
8702. Certain crew requirements.
8703. Tankermen on tank vessels.

HISTORICAL AND REVISION NOTES

Chapter 87 prescribes certain requirements for unlicensed personnel on vessels of at least 100 gross tons and on certain tank vessels.

§ 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, fish tender, or whaling vessel or a yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's document issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of $500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 554; Pub. L. 98-364, title IV, § 402(12)(A), July 17, 1984, 98 Stat. 449.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
8701	46:444 46:643 46:643a 46:672

Section 8701 requires an individual to have a merchant mariner's document before that individual can be engaged or employed on certain vessels.

Subsection (a) makes this documentation requirement applicable to United States merchant vessels of at least 100 gross tons except for certain inland vessels and barges, fishing or whaling vessels, yachts, and, in certain circumstances, to sailing school vessels or oceanographic research vessels.

Subsection (b) prohibits the engagement or employment of an individual required to have a document prescribed under section 7302 if the individual does not have one. Except for licensed or registered individuals, the document must specify the capacity in which the individual is engaged or employed.

Subsection (c) requires an individual to exhibit the required document to the master, if not otherwise required to do so in some other manner before that individual may be employed.

Subsection (d) prescribes the penalty for violation of this section.

Amendments

1984—Subsec. (a)(3). Pub. L. 98-364, § 402(12)(A)(i), substituted "fishing, fish tender, or whaling" for "fishing or whaling".

Subsec. (a)(6), (7). Pub. L. 98-364, § 402(12)(A)(ii)-(iv), added pars. (6) and (7).

Section Referred to in Other Sections

This section is referred to in sections 10103, 10306, 10503 of this title.

§ 8702. Certain crew requirements

(a) This section applies to a vessel of at least 100 gross tons except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, fish tender, or whaling vessel or a yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) A vessel may depart from a port of the United States only if at least—

(1) 75 percent of the crew in each department on board is able to understand any order spoken by the officers, and

(2) 65 percent of the deck crew (excluding licensed individuals) have merchant mariners' documents endorsed for a rating of at least able seaman, except that this percentage may be reduced to 50 percent on a vessel permitted under section 8104 of this title to maintain a 2-watch system.

(c) An able seaman is not required on a towing vessel operating on bays and sounds connected directly with the seas.

(d) An individual having a rating of less than able seaman may not be permitted at the wheel in ports, harbors, and other waters subject to congested vessel traffic, or under conditions of reduced visibility, adverse weather, or other hazardous circumstances.

(e) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of $500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 554; Pub. L. 98-364, title IV, § 402(12)(B), July 17, 1984, 98 Stat. 449.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
8702	46:643 46:672

Section 8702 specifies certain crew requirements.

Subsection (a) applies this section to the same vessels to which section 8701 applies.

Subsection (b) requires that 75 percent of the crew in each department on board a vessel understand any order spoken by the officers and that 65 percent of the deck crew be at least able seamen, except for the licensed officers. For 2-watch system vessels under section 8104, the 65-percent deck crew requirement may be reduced to 50 percent.

Subsection (c) exempts certain inland towing vessels from the able seaman requirement.

Subsection (d) prohibits anyone having a rating of less than able seamen from serving as a helmsman in congested vessel traffic or under hazardous conditions.

Subsection (e) prescribes the penalty for violation of this section.

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-364, § 402(12)(B)(i), substituted "fishing, fish tender, or whaling" for "fishing or whaling".

Subsec. (a)(6), (7). Pub. L. 98-364, § 402(12)(B)(ii)-(iv), added pars. (6) and (7).

EXEMPTION OF CERTAIN FISH PROCESSING VESSELS

Certain fish processing vessels exempt from crew requirements of subsec. (b) of this section, see section 403(b) of Pub. L. 98-364, as amended, set out as a note under section 3302 of this title.

§ 8703. Tankermen on tank vessels

(a) A vessel of the United States to which chapter 37 of this title applies, that has on board oil or hazardous material in bulk as cargo or cargo residue, shall have a specified number of the crew certified as tankermen as required by the Secretary. This requirement shall be noted on the certificate of inspection issued to the vessel.

[(b) Repealed. Pub. L. 98-557, § 18, Oct. 30, 1984, 98 Stat. 2869.]

(c) A vessel to which section 3702(b) of this title applies shall have on board as a crewmember in charge of the transfer operation an individual certified as a tankerman (qualified for the grade of fuel transferred), unless a master, mate, pilot, engineer, or operator licensed under section 7101 of this title is present in charge of the transfer. If the vessel does not have that individual on board, chapter 37 of this title applies to the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 98-557, § 18, Oct. 30, 1984, 98 Stat. 2869.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8703(a)	46:391a(10)(A)
8703(b)	46:391a(10)(C)
8703(c)	46:391a(4)(B)

Section 8703 sets requirements for tankermen on board vessels carrying oil or hazardous material in bulk as cargo or cargo residue.

Subsection (a) requires a specified number of the crew certified as tankermen on board these vessels and a notation be made to that effect on the vessel's certificate of inspection. A tankerman is an individual who is experienced and trained in the procedures for transferring oil or hazardous material to or from a vessel and is responsible for carrying out these duties and responsibilities.

Subsection (b) authorizes the Secretary to regulate tankermen and restrict the types of oil or hazardous materials on the basis of safety to the vessel and the marine environment.

Subsection (c) requires a tankerman or licensed master, pilot, engineer, or operator to be present and in charge of a transfer of oil or hazardous material on certain vessels in the service of oil exploitation. If this individual is not on board, then the tank vessel requirements of chapter 37 apply to the vessel.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-557 repealed subsec. (b) which contained duplicate tankerman manning requirements. See section 7317(a) of this title.

CHAPTER 89—SMALL VESSEL MANNING

Sec.

8901. Freight vessels.
8902. Small passenger vessels.
8903. Uninspected passenger vessels.
8904. Towing vessels.
8905. Exemptions.
8906. Penalty.

HISTORICAL AND REVISION NOTES

Chapter 89 provides for the manning of freight vessels, small passenger vessels, uninspected passenger vessels, and towing vessels. It permits a licensed operator to be in charge of a vessel in lieu of a licensed master or pilot. It also sets forth exemption and civil penalties.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 4302, 8301 of this title.

§ 8901. Freight vessels

A freight vessel of less than 100 gross tons shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8901	46:390b

Section 8901 requires that a freight vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

§ 8902. Small passenger vessels

A small passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8902	46:390b

Section 8902 requires that a small passenger vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

§ 8903. Uninspected passenger vessels

An uninspected passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8903	46:1461(e), (f)

Section 8903 requires that an uninspected passenger vessel be operated by a licensed individual for that type of vessel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4302, 8905 of this title.

§ 8904. Towing vessels

A towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer), shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8904	46:405(b)(2)

Section 8904 requires that a 26-foot or larger towing vessel be operated by a licensed individual for that type of vessel and for a particular geographic area.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 8104, 8905 of this title.

§ 8905. Exemptions

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstrations only if the Secretary decides that the application of section 8903 is necessary for recreational vessel safety under section 4302(d) of this title.

(b) Section 8904 of this title does not apply to a vessel of less than 200 gross tons engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8905(a)	46:1461(f)
8905(b)	46:405(b)(3)

Section 8905 provides for certain exemptions from the requirements of this chapter.

Subsection (a) exempts dealer demonstration recreational vessels from the licensed operator requirement in section 8903 unless the Secretary decides that safety considerations require the application of that section.

Subsection (b) exempts an offshore supply vessel of less than 200 gross tons from the licensed operator requirement under section 8904 when used in the offshore mineral and oil industry.

§ 8906. Penalty

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of $1,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8906	46:390d

Section 8906 prescribes the penalties for violations of this chapter.

CHAPTER 91—TANK VESSEL MANNING STANDARDS

Sec.

9101. Standards for foreign tank vessels.

9102. Standards for tank vessels of the United States.

HISTORICAL AND REVISION NOTES

Chapter 91 prescribes manning standards for certain foreign and United States tank vessels carrying oil or hazardous materials.

§ 9101. Standards for foreign tank vessels

(a) The Secretary shall—

(1) periodically evaluate the manning, training, qualification, and watchkeeping standards prescribed by the certificating country of a foreign vessel to which chapter 37 of this title applies, that operates on the navigable waters of the United States and transfers oil or hazardous material in a port or place under the jurisdiction of the United States; and

(2) after each evaluation made under clause (1) of this subsection, decide whether the foreign country, whose system for licensing and certification of seamen was evaluated, has standards that are equivalent to or more stringent than United States standards or international standards accepted by the United States.

(b) A foreign vessel to which chapter 37 of this title applies that has on board oil or hazardous material in bulk as cargo or cargo residue shall have a specified number of personnel certified as tankerman or equivalent, as required by the Secretary, when the vessel transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. The requirement of this subsection shall be noted in applicable terminal operating procedures. A transfer operation may take place only if the crewmember in charge is capable of clearly understanding instructions in English.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9101(a)	46:391a(11)
9101(b)	46:391a(10)(B)

Section 9101 requires monitoring of manning standards for foreign tank vessels operating on the navigable waters of the United States and transferring oil or hazardous material in the United States.

Subsection (a) requires the Secretary of Transportation to evaluate the manning, training, qualification, and watchkeeping standards of foreign countries whose tank vessels operate on United States waters, or use transfer facilities, and to decide if the standards are equivalent or more stringent than United States standards.

Subsection (b) authorizes the Secretary to specify the number of tankermen required on a foreign tank vessel and to have certified tankermen who can understand English when transferring oil or hazardous material in the United States. This requirement is to be made part of the terminal operating procedures.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 1228.

§ 9102. Standards for tank vessels of the United States

(a) The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

(1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;

(2) instruction in vessel and cargo handling and vessel navigation in emergency situations and under marine casualty or potential casualty conditions;

(3) qualifications for licenses by specific type and size of vessels;

(4) qualifications for licenses by use of simulators for the practice or demonstration of marine-oriented skills;

(5) minimum health and physical fitness criteria for various grades of licenses and certificates;

(6) periodic retraining and special training for upgrading positions, changing vessel type or size, or assuming new responsibilities; and

(7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing.

(b) The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9102	46:391a(9)

Section 9102 prescribes manning standards for United States tank vessels.

Subsection (a) requires the Secretary of Transportation to prescribe certain standards for the duties, qualifications, and training of the officers and crew of United States tank vessels.

Subsection (b) provides for a waiver of any health and physical fitness criteria prescribed under subsection (a).

CHAPTER 93—GREAT LAKES PILOTAGE

Sec.
9301. Definitions.
9302. Great Lakes pilots required.
9303. United States registered pilot service.
9304. Pilotage pools.
9305. Agreements with Canada.
9306. State regulation prohibited.
9307. Great Lakes Pilotage Advisory Committee.
9308. Penalties.

HISTORICAL AND REVISION NOTES

Chapter 93 contains the pilotage requirements for United States vessels sailing under register and foreign flag vessels operating on the Great Lakes, qualifications for a registered pilot for the Great Lakes, authority for agreements with Canada, prohibition of State regulation, establishment of an advisory committee, and imposition of civil penalties.

§ 9301. Definitions

In this chapter—

(1) "Canadian registered pilot" means an individual (except a regular crewmember of a vessel) who is registered by Canada on the same basis as an individual registered under section 9303 of this title.

(2) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(3) "United States registered pilot" means an individual (except a regular crewmember of a vessel) who is registered under section 9303 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9301(1)	46:216(d)
9301(2)	46:216(a)
9301(3)	46:216(c)

Section 9301 contains definitions which pertain to this chapter only.

Clause (1) defines "Canadian registered pilot" as an individual registered as a pilot in Canada on the same basis as the United States.

Clause (2) defines "Great Lakes" as the five lakes plus their connecting and tributary waters, a certain part of the Saint Lawrence River, and adjacent ports.

Clause (3) defines "United States registered pilot" as an individual registered under regulations for competency under section 9303.

§ 9302. Great Lakes pilots required

(a)(1) Except as provided in subsections (d) and (e) of this section, each vessel of the United States operating on register and each foreign vessel shall engage a United States or Canadian registered pilot for the route being navigated who shall—

(A) in waters of the Great Lakes designated by the President, direct the navigation of the vessel subject to the customary authority of the master; and

(B) in waters of the Great Lakes not designated by the President, be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.

(2) The President shall make water designations under this subsection with regard to the public interest, the effective use of navigable waters, marine safety, and the foreign relations of the United States.

(b) An individual of a vessel licensed for navigation on the Great Lakes under section 7101 of this title, or equivalent provisions of Canadian law, and qualified for the route being navigated, may serve as the pilot required on waters not designated by the President.

(c) The authority extended under subsections (a) and (b) of this section to a Canadian registered pilot or other Canadian licensed officer to serve on certain vessels in United States waters of the Great Lakes shall continue as long as Canada extends reciprocity to United States registered pilots and other individuals licensed by the United States for pilotage service in Canadian waters of the Great Lakes.

(d) A vessel may be operated on the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(1) the Secretary notifies the master that a registered pilot is not available; or

(2) the vessel or its cargo is in distress or jeopardy.

(e) A Canadian vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the Saint Lawrence River, with only an occasional voyage to ports in the maritime provinces of Canada in the Canadian coastal trade, is exempt from subsections (a) and (b) of this section as long as Canada permits enrolled vessels of the United States to be operated on Canadian waters of the Great Lakes under the direction of individuals licensed under section 7101 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9302(a), (b), (d)	46:216a
9302(c)	46:216f

Section 9302 sets forth the requirements for pilots on the waters of the Great Lakes under the jurisdiction of the United States or Canada.

Subsection (a) requires each United States vessel sailing on register and each foreign vessel to engage a United States or Canadian registered pilot who shall direct the navigation of the vessel in designated waters of the Great Lakes or be available to direct the navigation of the vessel in undesignated waters of the Great Lakes. The President must make the designation with regard to public interest, effective use of navigable waters, marine safety, and United States foreign relations. The direction of the vessel by an authorized pilot is subject to the customary authority of the master.

Subsection (b) provides that a crewmember licensed for Great Lakes navigation under section 7101 or equivalent Canadian law may serve as the pilot on undesignated waters.

Subsection (c) provides for reciprocity of recognizing United States and Canadian pilots.

Subsections (d) and (e) are exceptions to subsection (a). Subsection (d) permits operation of a vessel on the Great Lakes without a registered pilot if notice is given that one is not available or if the vessel or cargo is in distress or jeopardy. Subsection (e) exempts a Canadian vessel in the coastwise or Great Lakes trade from the requirement of having a registered pilot if similar United States vessels are extended the same exemption by Canada.

PROC. NO. 3385. DESIGNATION OF RESTRICTED WATERS

Proc. No. 3385, Dec. 22, 1960, 25 F.R. 13681, as amended by Proc. No. 3855, June 10, 1968, 33 F.R. 8535, provided:

WHEREAS, pursuant to section 3(a) of the Great Lakes Pilotage Act of 1960 (Public Law 86-555; 74 Stat. 259) [46 U.S.C. 9302(a)], the President is directed to designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned; and

WHEREAS the aforesaid section 3(a) [46 U.S.C. 9302(a)] provides that these designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 3(a) of the Great Lakes Pilotage Act of 1960 [46 U.S.C. 9302(a)], do hereby designate and proclaim the following areas in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, on and after the effective date of regulations issued by the Secretary of Transportation pursuant to the Act:

(1) *District 1.* All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° true) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) *District 2.* All United States waters of Lake Erie westward of a line running (at approximately 026° true) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light; the Detroit River; Lake St. Clair; the St. Clair River, and northern approaches thereto south of latitude 43°05′30″N.

(3) *District 3.* All United States waters of the St. Marys River, Sault Sainte Marie Locks and approaches thereto between latitude 45°59′N. at the southern approach and longitude 84°33′W. at the northern approach.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of December in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9308 of this title.

§ 9303. United States registered pilot service

(a) The Secretary shall prescribe by regulation standards of competency to be met by each applicant for registration under this chapter. An applicant must—

(1) have a license as master, mate, or pilot issued under section 7101 of this title;

(2) have acquired at least 24 months licensed service or equivalent experience on vessels or integrated towing vessels and tows of at least 4,000 gross tons, operating on the Great Lakes or oceans, with a minimum of 6 months of that service or experience having been on the Great Lakes; and

(3) agree that, if appointed as a United States registered pilot, the applicant will be available for service when required.

(b) The Secretary shall issue to each registered pilot under this chapter a certificate of registration describing the areas within which the pilot may serve. The pilot shall carry the certificate when in the service of a vessel.

(c) The Secretary shall prescribe by regulation the duration of validity of registration.

(d) The Secretary may prescribe by regulation the conditions for service by United States registered pilots, including availability for service.

(e) Subject to sections 551-559 of title 5, the Secretary may suspend or revoke a certificate of registration issued under this section if the holder fails to comply with a regulation prescribed under this chapter. Suspension or revocation of the holder's license under chapter 77 of this title includes the holder's certificate of registration.

(f) The Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 558.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9303(a)	46:216b(a)
9303(b)	46:216b(b)
9303(c)	46:216b(c)
9303(e)	46:216b(c)
9303(f)	46:216c

Section 9303 authorizes the Secretary to prescribe regulatory standards of competency for registered pilots.

Subsection (a) requires an applicant for registration as a pilot to have a master's, mate's, or pilot's license, 24 months of licensed service, or equivalent, on vessels on the oceans or Great Lakes, with a minimum of 6 months on the Great Lakes, and agree to be available for service as a United States registered pilot if appointed.

Subsection (b) requires the Secretary to issue a certificate of registration describing the areas of service of a registered pilot who must carry the certificate when in a vessel's service.

Subsection (c) authorizes the Secretary to prescribe the duration of the validity of registration, while subsection (d) authorizes the Secretary to prescribe conditions for service by United States registered pilots.

Subsection (e) provides for the suspension or revocation of a certificate or registration by the Secretary.

Subsection (f) provides for setting the rates and charges for pilotage services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9301, 9308 of this title; title 49 App. section 1903.

§ 9304. Pilotage pools

(a) The Secretary may authorize the formation of a pool by a voluntary association of United States registered pilots to provide for efficient dispatching of vessels and rendering of pilotage services.

(b) For pilotage pools, the Secretary may—

(1) limit the number of the pools;

(2) prescribe regulations for their operation and administration;

(3) prescribe a uniform system of accounts;

(4) perform audits and inspections; and

(5) require coordination on a reciprocal basis with similar pool arrangements authorized by the appropriate agency of Canada.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9304	46:216b(e)

Section 9304 provides for the formation of a pool by a voluntary association of United States registered pilots to provide for efficient pilotage services.

Subsection (a) permits the Secretary to authorize formation of United States pilotage pools.

Subsection (b) sets forth the restrictions and conditions that the Secretary may prescribe for these pools.

§ 9305. Agreements with Canada

To provide for a coordinated system of pilotage service on the Great Lakes, the Secretary, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to—

(1) fix the number of pilots to be registered in each country;

(2) provide for participation on an equitable basis;

(3) prescribe joint or identical rates and charges;

(4) coordinate pool operations; and

(5) establish conditions for services by registered pilots.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9305	46:216b(d) 46:216d

Section 9305 authorizes the Secretary of Transportation, subject to the concurrence of the Secretary of State, to make agreements with Canada for a coordinated system of pilotage service on the Great Lakes.

The agreements may fix the number of registered pilots, provide for equitable participation, prescribe rates and charges, coordinate pool operations, and establish conditions for service.

§ 9306. State regulation prohibited

A State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9306	46:216g

Section 9306 prohibits State or local regulations of pilotage on the Great Lakes and is part of the exception provided by law envisioned under section 8501(a).

§ 9307. Great Lakes Pilotage Advisory Committee

(a) The Secretary may establish a Great Lakes Pilotage Advisory Committee. The Committee—

(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

(2) may make available to Congress recommendations that the Committee makes to the Secretary; and

(3) shall meet at the call of the Secretary.

(b) The Committee shall consist of 3 members appointed by the Secretary each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

(c) When attending meetings or otherwise serving at the request of the Secretary, a member of the Committee (except a member regularly employed by the United States Government) may be paid at a rate of not more than $75 a day. When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9307	46:216h

Section 9307 permits the Secretary to establish a Great Lakes Pilotage Advisory Committee. This Committee is to be established consistant with the Federal Advisory Committee Act (P.L. 92-463; 5 App. U.S.C.) and with the requirements imposed by section 19 [118(e)] of P.L. 97-322 (14 U.S.C. 631 note).

Subsection (a) authorizes the Committee to review and make recommendations on Great Lakes pilotage regulation and policies and to make the recommendations available to Congress and requires the Committee to meet at the call of the Secretary.

Subsection (b) establishes the membership of the Committee as 3 members with 5 years of practical maritime experience appointed by the Secretary for a term of not more than 5 years. A Federal Register notice of solicitation for membership nominations for filling a position is required.

Subsection (c) provides for pay and travel expenses, including per diem, for the members.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 9308. Penalties

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel knowingly allowing the vessel to be operated in violation of section 9302 of this title is liable to the United States Government for a civil penalty of $500 for each day during which the vessel is in violation. The vessel also is liable in rem for the penalty.

(b) An individual who directs the navigation of a vessel in violation of section 9302 of this title is liable to the Government for a civil penalty of $500 for each day during which the violation occurs.

(c) A person violating a regulation prescribed under section 9303 of this title is liable to the Government for a civil penalty of $500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9308	46:216e(a)-(c)

Section 9308 prescribes the penalties for violations of sections 9302 and 9303.

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

HISTORICAL AND REVISION NOTES

Part G provides for a number of measures for the protection and relief of merchant seamen by requiring certain contractual obligations between the master who represents the vessel owner's interest and the seamen who are engaged or employed on board a vessel, by requiring certain proceedings when a seaman dies or a vessel is suspected of being unseaworthy, by requiring certain standards for accommodations, medicine, clothing, miscellaneous merchandise, and for the handling of special and unique problems of seamen. It also provides for a method of imposing disciplinary controls through the logging of offenses and provides penalties for specified offenses, and certain related disciplinary procedures. The provisions of this part generally do not apply to fishing vessels, whaling vessels, or yachts.

CHAPTER 101—GENERAL

Sec.
10101. Definitions.
10102. Designations and duties of shipping commissioners.
10103. Reports.
10104. Regulations.

§ 10101. Definitions

In this part—

(1) "master" means the individual having command of a vessel owned by a citizen of the United States.

(2) "owner" means the person to whom the vessel belongs.

(3) "seaman" means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel owned by a citizen of the United States.

(4) "fishing vessel" includes—

(A) a fish tender vessel; or

(B) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 98-364, title IV, § 402(13), July 17, 1984, 98 Stat. 449; Pub. L. 98-557, § 33(d), Oct. 30, 1984, 98 Stat. 2876.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10101	46:713

Section 10101 defines the terms master, seaman, and owner as they apply to merchant seamen's protection and relief.

AMENDMENTS

1984—Par. (4). Pub. L. 98-364, as amended Pub. L. 98-557, added par. (4).

§ 10102. Designations and duties of shipping commissioners

(a) The Secretary shall designate officers, employees, and members of the Coast Guard to act as shipping commissioners under this part. The Secretary may designate officers and employees of the Customs Service as shipping commissioners.

(b) The general duties of shipping commissioners are to supervise the engagement and discharge of seamen.

(c) The owner, charterer, managing operator, agent, or master of the vessel shall perform the duties of shipping commissioner when a shipping commissioner is not available.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10102	46:546

Section 10102 authorizes Federal officials (either Coast Guard or Customs Service officers), designated by the Secretary of Transportation as shipping commissioners, to supervise the engagement and discharge of seamen.

§ 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman without a shipping commissioner being present, shall submit reports in the form, content, and manner of filing as prescribed by regulation, to ensure compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10103	46:643(*l*)

Section 10103 requires that masters who engage or discharge seamen submit to the Coast Guard reports of the manning of the vessel, and reports of shipping agreements which are not supervised by a shipping commissioner. It also contains a number of exceptions for specified vessels.

§ 10104. Regulations

The Secretary may prescribe regulations to carry out this part.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10104	

Section 10104 provides the Secretary the authority to prescribe regulations to carry out the laws related to merchant seamen's protection and relief. This is the first time the broad authority has been explicitly stated in law.

CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

Sec.
10301. Application.
10302. Shipping articles agreements.
10303. Provisions.
10304. Form of agreement.
10305. Manner of signing agreement.
10306. Exhibiting merchant mariners' documents.
10307. Posting agreements.
10308. Foreign engagements.
10309. Engaging seamen to replace those lost by desertion or casualty.
10310. Discharge.
10311. Certificates of discharge.
10312. Settlements on discharge.
10313. Wages.
10314. Advances.
10315. Allotments.
10316. Trusts.
10317. Loss of lien and right to wages.

Sec.
10318. Wages on discharge in foreign ports.
10319. Costs of a criminal conviction.
10320. Records of seamen.
10321. General penalty.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 10501 of this title.

§ 10301. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel of the United States—

(1) on a voyage between a port in the United States and a port in a foreign country (except a port in Canada, Mexico, or the West Indies); or

(2) of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which the seamen are entitled by custom or agreement to share in the profit or result of a voyage.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10301	46:564 46:566 46:574

Section 10301 specifies that vessels on foreign and intercoastal voyages (except for fishing vessels and foreign vessels) are subject to the seamen protection and relief provisions contained in chapter 103.

§ 10302. Shipping articles agreements

(a) Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman in the crew.

(b) The agreement shall contain the following:

(1) the nature, and, as far as practicable, the duration of the intended voyage, and the port or country in which the voyage is to end.

(2) the number and description of the crew and the capacity in which each seaman is to be engaged.

(3) the time at which each seaman is to be on board to begin work.

(4) the amount of wages each seaman is to receive.

(5) regulations about conduct on board, and information on fines, short allowance of provisions, and other punishment for misconduct provided by law.

(6) a scale of the provisions that are to be provided each seaman.

(7) any stipulation in reference to advances and allotments of wages.

(8) other matters not contrary to law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10302	46:564

Section 10302 requires the master to make a shipping agreement with each crew member and lists the information that must be included in the agreement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10303, 10304, 10305, 10306, 10307, 10308, 10312, 10313, 10314, 10315, 10318, 10507 of this title.

§ 10303. Provisions

(a) A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

(b) The text of subsection (a) of this section shall be included in the agreement required by section 10302 of this title. A copy of the text also shall be posted in a conspicuous place in the galley and forecastle of each vessel.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 562.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10303	46:713

Section 10303 requires that seamen be served adequate food and water and that the text of this requirement be posted in the galley. The provisions do not apply to fishing vessels, whaling vessels, or yachts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

§ 10304. Form of agreement

The form of the agreement required by section 10302 of this title shall be in substance as follows:

UNITED STATES OF AMERICA

(Date and place of first signature of agreement):

It is agreed between the master and seamen of the , of which is at present master, or whoever shall go for master, now bound from the port of to (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

The seamen agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of an individual who lawfully succeeds the master, and of their superior officers in everything related to the vessel, and the stores and cargo of the vessel, whether on board, in boats, or on shore. In consideration of this service by the seamen to be performed, the master agrees to pay the crew, as wages, the amounts beside their names respectively expressed, and to supply them with provisions according to the annexed scale.

It is agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the embezzlement or destruction.

If an individual holds himself or herself out as qualified for a duty which the individual proves incompetent to perform, the individual's wages shall be reduced in proportion to the incompetency.

It also is agreed that if a seaman considers himself or herself to be aggrieved by any breach of this agreement or otherwise, the seaman shall present the complaint to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall take steps that the case requires.

It also is agreed that (here any other stipulations may be inserted to which the parties agree, and that are not contrary to law).

In witness whereof, the parties have subscribed their names to this agreement, on the dates beside their respective signatures.

Signed by , master, on the day of , nineteen hundred and .

Signature of seaman
Birthplace
Age
Height:
  Feet
  Inches
Description:
  Complexion
  Hair
Wages each month
Wages each voyage
Advance wages
Amount of monthly allotment

Time of service:
  Months
  Days
Hospital money
Whole wages
Wages due
Place and time of entry
Time at which seaman is to be on board
In what capacity
Shipping commissioner's signature or initials
Allotment payable to
Conduct qualifications

NOTE.—In the place for signature and descriptions of individuals engaged after the first departure of the vessel, the entries are to be made as above, except that the signature of the consul or vice consul, customs officer, or witness before whom the individual is engaged, is to be entered.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 562.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10304	46:713

Section 10304 provides the form of the shipping articles of agreement. While the exact format need not be followed, the form that is used must contain all the pertinent elements.

§ 10305. Manner of signing agreement

(a) The agreement required by section 10302 of this title shall be signed—

(1) first by the master and dated at that time, after which each seaman shall sign; and

(2) in the presence of a shipping commissioner.

(b) When the crew is first engaged, the agreement shall be signed in duplicate. One of the copies shall be retained by the shipping commissioner. The other copy shall contain space for the description and signatures of seamen engaged subsequent to the first making of the agreement, and shall be delivered to the master.

(c) An agreement signed before a shipping commissioner shall be acknowledged and signed by the commissioner on the agreement in the manner and form prescribed by regulation. The acknowledgment and certification shall include a statement by the commissioner that the seaman—

(1) has read the agreement;

(2) is acquainted with and understands its conditions; and

(3) has signed it freely and voluntarily when sober.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10305	46:565

Section 10305 describes the procedures for signing the shipping agreement, and for keeping official records of the agreement. It also requires that the agreement include a statement that the seaman understand its provisions, and did so while sober.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

§ 10306. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10302 of this title, each individual required by section 8701 of this title to have a merchant mariner's document shall exhibit to the shipping commissioner a document issued to the individual, appropriately endorsed for the capacity in which the individual is to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10306	46:643(c)

Section 10306 requires a seaman to exhibit an appropriately endorsed merchant mariner's document to the shipping commissioner before signing a shipping agreement. When a master acts as a shipping commissioner, the same procedure applies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8701 of this title.

§ 10307. Posting agreements

At the beginning of a voyage, the master shall have a legible copy of the agreement required by section 10302 of this title, omitting signatures, exhibited in a part of the vessel accessible to the crew. A master violating this section is liable to the United States Government for a civil penalty of $100.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10307	46:577

Section 10307 requires the master to post a copy of the shipping agreement in a part of the vessel accessible to the crew prior to the commencement of a voyage. The posting must be done in a manner that gives seamen adequate notice of the particulars of the pending voyage.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

§ 10308. Foreign engagements

(a) When a seaman is engaged outside the United States, the agreement required by section 10302 of this title shall be signed in the presence of a consular officer. If a consular officer is not available at the port of engagement, the seaman may be engaged, and the agreement shall be signed in the next port at which a consular officer is available.

(b) A master engaging a seaman in violation of this section is liable to the United States Government for a civil penalty of $100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10308	46:570

Section 10308 requires that shipping agreements made in foreign ports be signed in the presence of a consular officer. The penalty for violation of this section is $100.

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(a) If a desertion or casualty results in the loss of at least one seaman, the master shall engage, if obtainable, a number equal to the number of seamen of whose services the master has been deprived. The new seaman must have at least the same grade or rating as the seaman whose place the new seaman fills. The master shall report the loss and replacement to a consular officer at the first port at which the master arrives.

(b) The master is liable to the United States Government for a civil penalty of $200 for each report not made. The vessel also is liable in rem for the penalty.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10309	46:569

Section 10309 provides for the replacement of seamen lost by desertion or casualty. It does not apply to fishing vessels, whaling vessels, or yachts.

§ 10310. Discharge

A master shall deliver to a seaman or a shipping commissioner a full and true account of the seaman's wages and all deductions at least 48 hours before paying off or discharging the seaman. A master failing to deliver the account is liable to the United States Government for a civil penalty of $50.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10310	46:641 46:642

Section 10310 requires the master of a vessel to give each seaman a full account of the seaman's wages 48 hours before discharge. The penalty for violation is $50.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10318 of this title.

§ 10311. Certificates of discharge

(a) On discharging a seaman and paying the seaman's wages, the shipping commissioner shall provide the seaman with a certificate of discharge. The form of the certificate shall be prescribed by regulation. It shall contain—

(1) the name of the seaman;

(2) the citizenship or nationality of the seaman;

(3) the number of the seaman's merchant mariner's document;

(4) the name and official number of the vessel;

(5) the nature of the voyage (foreign, intercoastal, or coastwise);

(6) the propulsion class of the vessel;

(7) the date and place of engagement;

(8) the date and place of discharge; and

(9) the seaman's capacity on the voyage.

(b) The certificate of discharge may not contain a reference about the character or ability of the seaman. The certificate shall be signed by the master, the seaman, and the shipping commissioner as witness.

(c) A certificate of discharge may not be issued if the seaman holds a continuous discharge book. The entries shall be made in the discharge book in the same manner as the entries required by subsection (a) of this section.

(d)(1) A record of each discharge shall be maintained by the Secretary in the manner and location prescribed by regulation. The records may not be open for general or public use or inspection.

(2) A duplicate of a record of discharge shall be issued to a seaman at a cost prescribed by regulation.

(e) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10311	46:643

Section 10311 requires a shipping commissioner, when discharging a seaman, either to provide the seaman with a certificate of discharge or to make an entry in the seaman's continuous discharge book. It requires that certain facts be included in the certificate or in the entry, prohibits other information from being included, and requires the Secretary to keep records of all discharges, copies of which must be furnished to seamen at cost upon request. These discharges are used to substantiate the nature and duration of the seaman's employment on a particular vessel. This section does not apply to fishing vessels, whaling vessels, or yachts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

§ 10312. Settlements on discharge

(a) When discharge and settlement are completed, the master or owner and each seaman shall sign the agreement required by section 10302 of this title in the presence of a shipping commissioner. The commissioner shall sign the agreement and retain a copy. When signed, it shall serve as a mutual release of all claims for wages for the voyage.

(b) In a dispute about wages or deductions, if the parties agree in writing to submit the dispute to a shipping commissioner, the award made by the commissioner is conclusive in any subsequent legal proceeding. A document signed and sealed by a shipping commissioner purporting to be the award is prima facie evidence of the award.

(c) In a proceeding before a shipping commissioner related to the wages, claims, or discharge of a seaman, the shipping commissioner may call on the owner, charterer, managing operator, agent, master, or a seaman to produce logbooks or other documents about a matter in question, and may summon before the commissioner and examine any person on the matter. An owner, charterer, managing operator, agent, master, or seaman failing on summons to produce a document in the possession or control of the owner, charterer, managing operator, agent, master, or seaman, or to give evidence, without reasonable cause, is liable to the United States Government for a civil penalty of $100. On application of the shipping commissioner, the owner, charterer, managing operator, agent, master, or seaman may be punished by a district court of the United States as in other cases of contempt of court.

(d) On request, a certified copy of an agreement may be provided to a party to the agreement and is admissible in evidence with the effect of the original in any subsequent proceeding.

(e) When a seaman has been discharged before a shipping commissioner, only the agreement is evidence of the release or satisfaction of any claim.

(f) If a discharge is made under this section, the shipping commissioner, at the request of the master, shall provide the master with a signed statement of the total amount of wages paid. Between the master and the employer, the statement shall be received as evidence that the master has made the payments as stated.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 565.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10312(a), (b), (d)-(f)	46:644
10312(c)	46:652

Section 10312 outlines the procedures for settlements upon discharge and for settling disputes over seamen's wages and discharges.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10313, 10504, 10507 of this title.

§ 10313. Wages

(a) A seaman's entitlement to wages and provisions begins when the seaman begins work or when specified in the agreement required by section 10302 of this title for the seaman to begin work or be present on board, whichever is earlier.

(b) Wages are not dependent on the earning of freight by the vessel. When the loss or wreck of the vessel ends the service of a seaman before the end of the period contemplated in the agreement, the seaman is entitled to wages for the period of time actually served. The seaman shall be deemed a destitute seaman under section 11104 of this title. This subsection applies to a fishing or whaling vessel but not a yacht.

(c) When a seaman who has signed an agreement is discharged improperly before the beginning of the voyage or before one month's wages are earned, without the seaman's consent and without the seaman's fault justifying discharge, the seaman is entitled to receive from the master or owner, in addition to wages earned, one month's wages as compensation.

(d) A seaman is not entitled to wages for a period during which the seaman—

(1) unlawfully failed to work when required, after the time fixed by the agreement for the seaman to begin work; or

(2) lawfully was imprisoned for an offense, unless a court hearing the case otherwise directs.

(e) After the beginning of the voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht. However, this subsection applies to a vessel taking oysters.

(f) At the end of a voyage, the master shall pay each seaman the balance of wages due the seaman within 24 hours after the cargo has been discharged or within 4 days after the seaman is discharged, whichever is earlier. When a seaman is discharged and final payment of wages is delayed for the period permitted by this subsection, the seaman is entitled at the time of discharge to one-third of the wages due the seaman.

(g) When payment is not made as provided under subsection (f) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(h) Subsections (f) and (g) of this section do not apply to a fishing or whaling vessel or a yacht. However, subsections (f) and (g) apply to a vessel taking oysters.

(i) This section applies to a seaman on a foreign vessel when in a harbor of the United States. The courts are available to the seaman for the enforcement of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 566.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10313(a)	46:591
10313(b)	46:592 46:593
10313(c)	46:594
10313(d)	46:595
10313(e)-(i)	46:596 46:597 46:598

Section 10313 provides that a seaman's entitlement to wages begins when the seaman begins work, or as specified in the shipping agreement. This section also qualifies a seaman's entitlement to wages if the vessel is lost or wrecked, if the seaman is discharged improperly, or if the seaman unlawfully failed to work or was imprisoned. It also establishes procedures for the payment of wages at each port the vessel loads or unloads cargo, and at the end of the voyage. This section applies to seamen on foreign vessels in United States harbors, but not to fishing vessels, whaling vessels or yachts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

§ 10314. Advances

(a)(1) A person may not—

(A) pay a seaman wages in advance of the time when the seaman has earned the wages;

(B) pay advance wages of the seaman to another person; or

(C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than $500. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than $500.

(c) This section applies to a foreign vessel when in waters of the United States. An owner, charterer, managing operator, agent, or master of a foreign vessel violating this section is liable to the Government for the same penalty as an owner, charterer, managing operator, agent, or master of a vessel of the United States for the same violation.

(d) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10302 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(e) This section does not apply to a fishing or whaling vessel or a yacht. However, this section applies to a vessel taking oysters.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 567.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10314	46:599

Section 10314 forbids advance payment of wages to seamen prior to the commencement of the seaman's employment. It provides a civil penalty of $500 for any person making such a payment, and for any person demanding or receiving remuneration for providing a seaman with employment. This means that the use of employment agencies for hiring seamen is prohibited. It also requires compliance with section 10302 regarding the signing of articles of agreement before a vessel can be cleared from a United States port. This section applies to foreign vessels in United States waters but not to fishing vessels, whaling vessels or yachts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10316 of this title.

§ 10315. Allotments

(a) Under prescribed regulations, a seaman may stipulate as follows in the agreement required by section 10302 of this title for an allotment of any part of the wages the seaman may earn:

(1) to the seaman's grandparents, parents, spouse, sister, brother, or children;

(2) to an agency designated by the Secretary of the Treasury to handle applications for United States savings bonds, to purchase bonds for the seaman; and

(3) for deposits to be made in an account for savings or investment opened by the seaman and maintained in the seaman's name at a savings bank or a savings institution in which the accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) An allotment is valid only if made in writing and signed by and approved by a shipping commissioner. The shipping commissioner shall examine allotments and the parties to them to enforce compliance with the law. Stipulations for allotments made at the beginning of a voyage shall be included in the agreement and shall state the amounts and times of payment and the person to whom payments are to be made.

(c) Only an allotment complying with this section is lawful. A person falsely claiming qualification as an allottee under this section is liable to the United States Government for a civil penalty of not more than $500.

(d) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(e) This section applies to a foreign vessel when in waters of the United States. An owner, charterer, managing operator, agent, or master of a foreign vessel violating this section is liable to the Government for the same penalty as an owner, charterer, managing operator, agent, or master of a vessel of the United States for the same violation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 567.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10315	46:599

Section 10315 lists the persons to whom a seaman may allot wages, specifies the conditions which make an allotment valid, and provides a civil penalty of $500 for falsely claiming qualification as an allotee. It also requires that this section be complied with before a vessel can be cleared from a United States port. This section applies to foreign vessels.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10316, 11109 of this title.

§ 10316. Trusts

Sections 10314 and 10315 of this title do not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

(1) the deductions are paid into a trust fund established only for the benefit of seamen employed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

(A) medical or hospital care, or both.

(B) pensions on retirement or death of the seaman.

(C) life insurance.

(D) unemployment benefits.

(E) compensation for illness or injuries resulting from occupational activity.

(F) sickness, accident, and disability compensation.

(G) purchasing insurance to provide any of the benefits specified in this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 568.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10316	46:599(g)

Section 10316 qualifies the two previous sections by allowing an employer to make deductions from seamen's wages for the purpose of placing the wages into a trust fund or holding them in trust to provide for the seamen's benefit.

§ 10317. Loss of lien and right to wages

A master or seaman by any agreement other than one provided for in this chapter may not forfeit the master's or seaman's lien on the vessel or be deprived of a remedy to which the master or seaman otherwise would be entitled for the recovery of wages. A stipulation in an agreement inconsistent with this chapter, or a stipulation by which a seaman consents to abandon a right to wages if the vessel is lost, or to abandon a right the seaman may have or obtain in the nature of salvage, is void.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 568.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10317	46:600

Section 10317 prohibits a master or seaman from entering into an agreement which forfeits his or her lien on the vessel or other remedy for recovery of wages, and renders such agreements void.

§ 10318. Wages on discharge in foreign ports

(a) When a master or seaman applies to a consular officer for the discharge of the seaman, the consular officer shall require the master to pay the seaman's wages if it appears that the seaman has carried out the agreement required by section 10302 of this title or otherwise is entitled to be discharged. Then the consular officer shall discharge the seaman. A consular officer shall require the payment of extra wages only as provided in this section or in chapter 109 of this title.

(b) When discharging a seaman, a consular officer who fails to require the payment of the wages due a seaman at the time, and of the extra wages due under subsection (a) of this section, is accountable to the United States Government for the total amount.

(c) A seaman discharged under this section with the consent of the seaman is entitled to wages up to the time of discharge, but not for any additional period.

(d) If the seaman is discharged involuntarily, and it appears that the discharge was not because of neglect of duty, incompetency, or injury incurred on the vessel, the master shall provide the seaman with employment on a vessel agreed to by the seaman or shall provide the seaman with one month's extra wages.

(e) Expenses for the maintenance and return of an ill or injured seaman to the United States shall be paid by the Secretary of State. If a seaman is incapacitated by illness or injury and prompt discharge is necessary, but a personal appearance of the master before a consular officer is impracticable, the master may provide transportation to the seaman to the nearest consular officer for discharge.

(f) A deduction from wages of the seaman is permitted only if the deduction appears in the account of the seaman required to be delivered under section 10310 of this title, except for matters arising after delivery of the account, in which case a supplementary account is required. During a voyage, the master shall record in the official logbook the matters about which deductions are to be made with the amounts of the deductions. The entries shall be made as the matters occur. The master shall produce the official logbook at the time of payment of wages, and also before a competent authority on the hearing of any complaint or question about the payment of wages.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 568.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10318	46:682 46:683

Section 10318 establishes consular officers' responsibilities in discharging seamen and the seamen's right to wages when discharged and when incapacitated by illness or injury. It also requires a master to record in the official logbook all matters for which deductions are to be made from seamen's wages.

§ 10319. Costs of a criminal conviction

In a proceeding about a seaman's wages, if it is shown that the seaman was convicted during the voyage of an offense by a competent tribunal and sentenced by the tribunal, the court hearing the case may direct that a part of the wages due the seaman, but not more than $15, be applied to reimburse the master for costs properly incurred in procuring the conviction and sentence.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10319	46:707

Section 10319 provides that if a seaman was convicted during a voyage by a tribunal, that the court may direct that up to $15 of the seaman's wages be used to reimburse the master for the costs incurred.

§ 10320. Records of seamen

The Secretary may prescribe regulations for reporting by a master of matters about the engagement, discharge, or service of seamen that may be needed in keeping central records of seamen.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10320	

Section 10320 authorizes the Secretary to provide for the maintenance of records of the engagement, discharge, or service of seamen.

§ 10321. General penalty

The owner, charterer, managing operator, agent, or master of a vessel on which a seaman is carried in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of $200 for each seaman carried in violation. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10321	46:567 46:568 46:571 46:661 46:665

Section 10321 makes a vessel on which a seaman is carried to sea in violation of this chapter or regulation prescribed under this chapter liable in rem to the United States Government for a civil penalty of $200 for each seaman carried in violation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10507 of this title.

CHAPTER 105—COASTWISE VOYAGES

Sec.

10501. Application.
10502. Shipping articles agreements.
10503. Exhibiting merchant mariners' documents.
10504. Wages.
10505. Advances.
10506. Trusts.
10507. Duties of shipping commissioners.
10508. General penalties.
10509. Penalty for failing to begin voyage.

§ 10501. Application

(a) Except for a vessel to which chapter 103 of this title applies, this chapter applies to a vessel of at least 50 gross tons on a voyage between a port in one State and a port in another State (except an adjoining State).

(b) This chapter does not apply to a vessel on which the seamen are entitled by custom or agreement to share in the profit or result of a voyage.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10501	46:574

Section 10501 specifies that vessels over 50 gross tons that are not subject to chapter 103 and are engaged on voyages between two states (except for adjoining states) are subject to the provisions of this chapter. Specifically excluded are foreign vessels and vessels on which seamen share the profits.

§ 10502. Shipping articles agreements

(a) Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman on board, declaring the nature of the voyage or the period of time for which the seaman is engaged.

(b) The agreement shall include the date and hour on which the seaman must be on board to begin the voyage.

(c) The agreement may not contain a provision on the allotment of wages or a scale of provisions.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10502	46:574

Section 10502 requires the master on a vessel engaged on a coastwise voyage to sign a shipping agreement with each member of the crew and lists provisions which must be and provisions which may not be included in the agreement.

Section Referred to in Other Sections

This section is referred to in sections 10503, 10504, 10505, 10508, 10509 of this title.

§ 10503. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10502 of this title, a seaman required by section 8701 of this title to have a merchant mariner's document shall exhibit to the master a document issued to the seaman and appropriately endorsed for the capacity in which the seaman is to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10503	46:643

Under section 10503 seamen who are required to have a merchant mariner's document must exhibit it before signing a shipping agreement on a coastwise voyage.

Section Referred to in Other Sections

This section is referred to in section 8701 of this title.

§ 10504. Wages

(a) After the beginning of a voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement required by section 10502 of this title and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht. However, this subsection applies to a vessel taking oysters.

(b) The master shall pay a seaman the balance of wages due the seaman within 2 days after the termination of the agreement required by section 10502 of this title or when the seaman is discharged, whichever is earlier.

(c) When payment is not made as provided under subsection (b) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(d) Subsections (b) and (c) of this section do not apply to:

(1) a vessel engaged in coastwise commerce.

(2) a yacht.

(3) a fishing vessel (except a vessel taking oysters).

(4) a whaling vessel.

(e) This section applies to a seaman on a foreign vessel when in harbor of the United States. The courts are available to the seaman for the enforcement of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570; Pub. L. 99-36, § 1(a)(5), May 15, 1985, 99 Stat. 67.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10504	46:596 46:597 46:598

Section 10504 specifies when seamen on coastwise voyages may obtain portions of their wages. The section does not apply to fishing vessels, whaling vessels or yachts, and portions of it do not apply to vessels taking oysters. It does apply to foreign vessels while in United States ports.

Amendments

1985—Subsec. (d). Pub. L. 99-36 amended subsec. (d) generally, thereby including reference to a vessel engaged in coastwise commerce.

Effective Date of 1985 Amendment

Section 1(b) of Pub. L. 99-36 provided that: "The effective date of subsection (a)(5) of this section [amending subsec. (d) of this section] is August 26, 1983."

§ 10505. Advances

(a)(1) A person may not—

(A) pay a seaman wages in advance of the time when the seaman has earned the wages;

(B) pay advance wages of the seaman to another person; or

(C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than $100. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than $500.

(c) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10502 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(d) This section does not apply to a fishing or whaling vessel or a yacht. However, this section applies to a vessel taking oysters.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10505	46:596 46:599

Section 10505 prohibits any person from paying a seaman on a coastwise voyage advance wages, or to pay to another person any form of a seaman's wages prior to the commencement of the seaman's employment. It also prohibits a person from seeking or receiving remuneration for providing a seaman with employment. This section also requires that a vessel comply with this section before clearing port. It provides penalties for offenses of its provisions. The section does not apply to fishing vessels, whaling vessels, or yachts, but does apply to vessels taking oysters.

Section Referred to in Other Sections

This section is referred to in section 10506 of this title.

§ 10506. Trusts

Section 10505 of this title does not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

(1) the deductions are paid into a trust fund established only for the benefit of seamen employed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

(A) medical or hospital care, or both.

(B) pensions on retirement or death of the seaman.

(C) life insurance.

(D) unemployment benefits.

(E) compensation for illness or injuries resulting from occupational activity.

(F) sickness, accident, and disability compensation.

(G) purchasing insurance to provide any of the benefits specified in this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10506	46:599

Section 10506 permits deductions to be made from wages of seamen on coastwise voyages if the deductions are to be used for the benefit of the seamen or their families.

§ 10507. Duties of shipping commissioners

(a) At the option of the owner or master of a vessel to which this chapter applies, a shipping commissioner may engage and discharge the crew.

(b) When a crew is engaged under this section, sections 10302, 10303, 10305, 10307, 10311, 10312, 10313(b)-(f), and 10321, and chapter 107 of this title apply.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10507	

Under section 10507 the master of a vessel on a coastwise voyage has the option of using a shipping commissioner if one is available. It also provides that the engagements of crews under this section are subject to certain provisions in chapter 103.

§ 10508. General penalties

(a) A master who carries a seaman on a voyage without first making the agreement required by section 10502 of this title shall pay to the seaman the highest wage that was paid for a similar voyage within the 3 months before the time of engagement at the port or place at which the seaman was engaged. A seaman who has not signed an agreement is not bound by the applicable regulations, penalties, or forfeitures.

(b) A master engaging a seaman in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of $20. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10508	46:575

Section 10508 provides for a fair wage to be paid to a seaman who was engaged without a shipping agreement, and also exempts the seaman under certain conditions from applicable regulations, penalties or forfeitures. It also provides a penalty for violation of its provisions.

§ 10509. Penalty for failing to begin voyage

(a) A seaman who fails to be on board at the time contained in the agreement required by section 10502 of this title, without having given 24 hours' notice of inability to do so, shall forfeit, for each hour's lateness, one-half of one day's pay to be deducted from the seaman's wages if the lateness is recorded in the official logbook on the date of the violation.

(b) A seaman who does not report at all or subsequently deserts forfeits all wages.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10509	46:576

This section provides for a reduction in the wages of seamen who arrive late for voyages, if their late arrival is noted in the official logbook. It does not apply to fishing vessels, whaling vessels or yachts.

CHAPTER 107—EFFECTS OF DECEASED SEAMEN

Sec.

10701. Application.
10702. Duties of masters.
10703. Procedures of masters.
10704. Duties of consular officers.
10705. Disposition of money, property, and wages by consular officers.
10706. Seamen dying in the United States.
10707. Delivery to district court.
10708. Sale of property.
10709. Distribution.
10710. Unclaimed money, property, and wages.
10711. Penalties.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 10507 of this title.

§ 10701. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel on a voyage between—

(1) a port of the United States and a port in a foreign country (except a port in Canada, Mexico, and the West Indies); and

(2) a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which a seaman by custom or agreement is entitled to share in the profit or result of a voyage.

(c) This chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10701	46:621

Section 10701 provides that the provisions in chapter 107 apply to vessels on voyages between U.S. ports and foreign countries (except Canada, Mexico, or the West Indies) and between United States ports on the Atlantic and United States ports on the Pacific. It does not apply to foreign vessels or vessels on which the seamen share the profits.

§ 10702. Duties of masters

(a) When a seaman dies during a voyage, the master shall take charge of the seaman's money and property. An entry shall be made in the official logbook, signed by the master, the chief mate, and an unlicensed crewmember containing an inventory of the money and property and a statement of the wages due the seaman, with the total of the deductions to be made.

(b) On compliance with this chapter, the master shall obtain a written certificate of compliance from a shipping commissioner. Clearance may be granted to a foreign-bound vessel only when the certificate is received at the office of customs.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10702	46:621

Section 10702 requires a master to take charge of the property of a deceased seaman, make note in the official logbook that the property was taken and obtain a certificate of compliance from a shipping commissioner which must be exhibited for port clearance of foreign bound vessels.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11301 of this title.

§ 10703. Procedures of masters

(a) If the vessel is proceeding to the United States when a seaman dies, the master shall deliver the seaman's money, property, and wages when the agreement required by this part is ended, as provided by regulations prescribed by the Secretary.

(b) If the vessel touches at a foreign port after the death of the seaman, the master shall report to the first available consular officer. The consular officer may require the master to deliver to the officer the money, property, and wages of the seaman. The consular officer shall give the master a receipt for the matters delivered and certify on the agreement the particulars of the delivery. When the agreement ends, the master shall deliver the receipt as prescribed by regulations.

(c) If the consular officer does not require the master to deliver the seaman's money, property, and wages, the officer shall so certify on the agreement, and the master shall dispose of the money, property, and wages as provided under subsection (a) of this section.

(d) A deduction from the account of a deceased seaman is valid only if certified by a proper entry in the official logbook.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 573.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10703	46:622

Section 10703 provides for the disposal by the master of the property and wages of deceased seamen who have died outside the United States.

§ 10704. Duties of consular officers

When a seaman dies outside the United States leaving money or property not on board a vessel, the consular officer nearest the place at which the money and property is located shall claim and take charge of it.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 573.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10704	46:624

Section 10704 requires consular officers to take charge of the property (not left on board a vessel) of deceased seamen who have died outside the United States.

§ 10705. Disposition of money, property, and wages by consular officers

When money, property, or wages of a deceased seaman comes into possession of a consular officer, the officer may—

(1) sell the property and remit the proceeds and other money or wages of the seaman the officer has received, to the district court of the United States for the district in which the voyage begins or ends; or

(2) deliver the money, property, and wages to the district court.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 573.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10705	46:624

Section 10705 instructs consular officers on the disposal of the property and wages of deceased seamen who have died outside the United States.

§ 10706. Seamen dying in the United States

When a seaman dies in the United States and is entitled at death to claim money, property, or wages from the master or owner of a vessel on which the seaman served, the master or owner shall deliver the money, property, and wages as provided by regulations prescribed by the Secretary.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 573.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10706	46:625

Section 10706 provides for the disposal by the master of the property and wages of deceased seamen who have died in the United States.

§ 10707. Delivery to district court

The Secretary shall provide for the delivery to a district court of the United States of the money, property, and wages of a deceased seaman within one week from the date of receipt.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 573.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10707	46:626

Section 10707 requires the Secretary to provide for the prompt delivery of the property and wages of a deceased seaman to a district court.

§ 10708. Sale of property

A district court of the United States may direct the sale of any part of the property of a deceased seaman. Proceeds of the sale shall be held as wages of the seaman are held.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 574.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10708	46:628

Section 10708 permits a district court to sell a deceased seaman's property and treat the proceeds as wages.

§ 10709. Distribution

(a)(1) If the money, property, and wages of a seaman, including proceeds from the sale of property, are not more then [1] $1,500 in value, and subject to deductions it allows for expenses and at least 60 days after receiving the money, property, and wages, the court may deliver the money, property, and wages to a claimant proving to be—

(A) the seaman's surviving spouse or child;

(B) entitled to the money, property, and wages under the seaman's will or under a law or at common law; or

(C) entitled to secure probate, or take out letters of administration, although no probate or letters of administration have been issued.

(2) The court is released from further liability for the money, property, and wages distributed under paragraph (1) of this subsection.

(3) Instead of acting under paragraphs (1) and (2) of this subsection, the court may require probate or letters of administration to be taken out, and then deliver the money, property, and wages to the legal representative of the seaman.

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[1] So in original. Probably should be "than".

(b) If the money, property, and wages are more than $1,500 in value, the court, subject to deductions for expenses, shall deliver the money, property, and wages to the legal representative of the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 574.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10709	46:627

Section 10709 instructs a district court to deliver a deceased seaman's property and wages to the proper claimant or legal representative. It also discharges the court from liability.

§ 10710. Unclaimed money, property, and wages

(a) When a claim for the money, property, or wages of a deceased seaman held by a district court of the United States has not been substantiated within 6 years after their receipt by the court, the court, if a subsequent claim is made, may allow or refuse the claim.

(b) If, after money, property, and wages have been held by the court for 6 years, it appears to the court that no claim will have to be satisfied, the property shall be sold. The money and wages and the proceeds from the sale shall be deposited in the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 574.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10710	46:628

Section 10710 provides that if no claim is made to a deceased seaman's property and wages within six years, the court shall sell the property and deposit the proceeds into the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

CROSS REFERENCES

Refund of amounts erroneously deposited in unclaimed trust fund, see section 1322 of Title 31, Money and Finance.

§ 10711. Penalties

An owner or master violating this chapter are each liable to the United States Government for a civil penalty of 3 times the value of the seaman's money, property, and wages involved or, if the value is not determined, of $200.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 574.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10711	46:623

Section 10711 provides penalties for masters and owners violating this chapter.

CHAPTER 109—PROCEEDINGS ON UNSEAWORTHINESS

Sec.
10901. Application.
10902. Complaints of unfitness.
10903. Proceedings on examination of vessel.
10904. Refusal to proceed.
10905. Complaints in foreign ports.
10906. Discharge of crew for unsuitability.
10907. Permission to make complaint.
10908. Penalty for sending unseaworthy vessel to sea.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 10318 of this title.

§ 10901. Application

This chapter applies to a vessel of the United States except a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 575.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10901	46:653 46:654 46:655 46:656 46:658

Section 10901 provides that chapter 109 applies to all vessels of the United States except fishing vessels, whaling vessels or yachts.

§ 10902. Complaints of unfitness

(a)(1) If the chief and second mates or a majority of the crew of a vessel ready to begin a voyage discover, before the vessel leaves harbor, that the vessel is unfit as to crew, hull, equipment, tackle, machinery, apparel, furniture, provisions of food or water, or stores to proceed on the intended voyage and require the unfitness to be inquired into, the master immediately shall apply to the district court of the United States at the place at which the vessel is located, or, if no court is being held at the place at which the vessel is located, to a judge or justice of the peace, for the appointment of surveyors. At least 2 complaining seamen shall accompany the master to the judge or justice of the peace.

(2) A master failing to comply with this subsection is liable to the United States Government for a civil penalty of $500.

(b)(1) Any 3 seamen of a vessel may complain that the provisions of food or water for the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. The complaint may be made to the commanding officer of a United States naval vessel, consular officer, Coast Guard shipping commissioner, or chief official of the Customs Service.

(2) The officer, commissioner, or official shall examine, or have examined, the provisions of food or water. If the provisions are found to be of bad quality, unfit for use, or deficient in quantity, the person making the findings shall certify to the master of the vessel which provi-

sions are of bad quality, unfit for use, or deficient.

(3) The officer, commissioner, or official to whom the complaint was made shall—

(A) make an entry in the official logbook of the vessel on the results of the examination; and

(B) submit a report on the examination to the district court of the United States at which the vessel is to arrive, with the report being admissible into evidence in any legal proceeding.

(4) The master is liable to the Government for a civil penalty of not more than $100 each time the master, on receiving the certification referred to in paragraph (2) of this subsection—

(A) does not provide other proper provisions of food or water, when available, in place of the provisions certified as of bad quality or unfit for use;

(B) does not obtain sufficient provisions when the certification includes a finding of a deficiency in quantity; or

(C) uses provisions certified to be of bad quality or unfit for use.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 575.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10902(a)	46:653
10902(b)	46:662

Section 10902 instructs the crew on making complaints of unfitness of vessel with regard to equipment and provisions, and instructs the master on responding to those complaints, and provides a penalty for violations.

Section Referred to in Other Sections

This section is referred to in sections 10903, 10905 of this title.

§ 10903. Proceedings on examination of vessel

(a) On application made under section 10902(a) of this title, the judge or justice of the peace shall appoint 3 experienced and skilled marine surveyors to examine the vessel for the defects or insufficiencies complained of. The surveyors have the authority to receive and consider evidence necessary to evaluate the complaint. When the complaint involves provisions of food or water, one of the surveyors shall be a medical officer of the Public Health Service, if available. The surveyors shall make a report in writing, signed by at least 2 of them, stating whether the vessel is fit to proceed to sea or, if not, in what respect it is unfit, making appropriate recommendations about additional seamen, provisions, or stores, or about physical repairs, alterations, or additions necessary to make the vessel fit.

(b) On receiving the report, the judge or justice of the peace shall endorse on the report the judgment of the judge or justice on whether the vessel is fit to proceed on the voyage, and, if not, whether the vessel may proceed to another port at which the deficiencies can be corrected. The master and the crew shall comply with the judgment.

(c) The master shall pay all costs of the survey, report, and judgment. However, if the complaint of the crew appears in the report and judgment to have been without foundation, or if the complaint involved provisions of food or water, without reasonable grounds, the master or owner may deduct the amount of the costs and reasonable damages for the detention of the vessel, as determined by the judge or justice of the peace, from the wages of the complaining seamen.

(d) A master of a vessel violating this section who refuses to pay the costs and wages is liable to the United States Government for a civil penalty of $100 and is liable in damages to each person injured by the refusal.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 575.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10903(a), (b)	46:654
10903(c)	46:659
10903(d)	46:660

Section 10903 provides for marine surveyors appointed by a judge or justice of the peace to inspect a vessel on which a complaint of unfitness was made, for a judge or justice of the peace to judge the fitness based on the findings, and for the payment of costs of the inspection by the master or the crew. It also includes a penalty for noncompliance.

Section Referred to in Other Sections

This section is referred to in section 10904 of this title.

§ 10904. Refusal to proceed

After a judgment under section 10903 of this title that a vessel is fit to proceed on the intended voyage, or after the order of a judgment to make up deficiencies is complied with, if a seaman does not proceed on the voyage, the unpaid wages of the seaman are forfeited.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 576.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
10904	46:655

Section 10904 provides that if a vessel is found fit to proceed by a judge or justice of the peace and a seaman refuses to proceed, the seaman shall forfeit any unpaid wages.

§ 10905. Complaints in foreign ports

(a) When a complaint under section 10902(a) of this title is made in a foreign port, the procedures of this chapter shall be followed, with a consular officer performing the duties of the judge or justice of the peace.

(b) On review of the marine surveyors' report, the consular officer may approve and must certify any part of the report with which the officer agrees. If the consular officer dissents from any part of the report, the officer shall certify reasons for dissenting from that part.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 576.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10905	46:656 46:657

Section 10905 provides that if a complaint of unfitness is made in a foriegn port, a consular officer shall perform the duties of a judge or justice of the peace.

§ 10906. Discharge of crew for unsuitability

When a survey is made at a foreign port, the surveyors shall state in the report whether, in their opinion, the vessel had been sent to sea unsuitably provided in any important particular, by neglect or design or through mistake or accident. If by neglect or design, and the consular officer approves the finding, the officer shall discharge a seaman requesting discharge and shall require the master to pay one month's wages to that seaman in addition to wages then due, or sufficient money for the return of the seaman to the nearest and most convenient port of the United States, whichever is the greater amount.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 576.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10906	46:658

Section 10906 provides that if a consular officer finds that a vessel has been sent to sea in an unsuitable state, a crew member requesting discharge must be paid one month's additional wages and passage to the United States.

§ 10907. Permission to make complaint

(a) A master may not refuse to permit, deny the opportunity to, or hinder a seaman who wishes to make a complaint authorized by this chapter.

(b) A master violating this section is liable to the United States Government for civil penalty of $500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10907	46:652 46:664

Section 10907 prohibits a master from hindering a seaman from making a complaint authorized by this chapter and subjects the master to a fine for violation of this section.

§ 10908. Penalty for sending unseaworthy vessel to sea

A person that knowingly sends or attempts to send, or that is a party to sending or attempting to send, a vessel of the United States to sea, in an unseaworthy state that is likely to endanger the life of an individual, shall be fined not more than $1,000, imprisoned for not more than 5 years, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10908	46.658

Section 10908 provides a penalty for a person knowingly sending or attempting to send an unseaworthy vessel to sea.

CHAPTER 111—PROTECTION AND RELIEF

Sec.

11101. Accommodations for seamen.
11102. Medicine chests.
11103. Slop chests.
11104. Destitute seamen.
11105. Wages on discharge when vessel sold.
11106. Wages on justifiable complaint of seamen.
11107. Unlawful engagements void.
11108. Taxes.
11109. Attachment of wages.
11110. Seamen's clothing.
11111. Limit on amount recoverable on voyage.

§ 11101. Accommodations for seamen

(a) On a merchant vessel of the United States the construction of which began after March 4, 1915 (except a yacht, pilot vessel, or vessel of less than 100 gross tons)—

(1) each place appropriated to the crew of the vessel shall have a space of at least 120 cubic feet and at least 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged in the vessel;

(2) each seaman shall have a separate berth and not more than one berth shall be placed one above another;

(3) the place or berth shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water; and

(4) crew space shall be kept free from goods or stores that are not the personal property of the crew occupying the place in use during the voyage.

(b) In addition to the requirements of subsection (a) of this section, a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required).

(c) A steam vessel of the United States operating on the Mississippi River or its tributaries shall provide, under the direction and approval of the Secretary, an appropriate place for the crew that shall conform to the requirements of this section, as far as they apply to the steam vessel, by providing a properly heated sleeping room in the engineroom of the steam vessel properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck.

(d) A merchant vessel of the United States, the construction of which began after March 4, 1915, having more than 10 seamen on deck, shall have at least one lighted, clean, and properly heated and ventilated washing place. There shall be provided at least one washing outfit for each 2 seamen of the watch. A separate washing place shall be provided for the fireroom and engineroom seamen, if their number is more than 10, that shall be large enough to accommodate at least one-sixth of them at the same time, and have a hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

(e) Forecastles shall be fumigated at intervals provided by regulations prescribed by the Secretary of Health and Human Services, with the approval of the Secretary, and shall have at least 2 exits, one of which may be used in emergencies.

(f) The owner, charterer, managing operator, agent, master, or licensed individual of a vessel not complying with this section is liable to the United States Government for a civil penalty of at least $50 but not more than $500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577; Pub. L. 99-36, § 1(a)(6), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11101	46:660-1

Section 11101 provides mandatory standards for crew accommodations and a penalty for noncompliance with those standards.

AMENDMENTS

1985—Subsec. (d). Pub. L. 99-36 substituted "lighted" for "light".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 446b of Appendix to this title.

§ 11102. Medicine chests

(a) A vessel of the United States on a voyage from a port in the United States to a foreign port (except to a Canadian port), and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and Pacific Ocean, shall be provided with a medicine chest.

(b) The owner and master of a vessel not equipped as required by subsection (a) of this section or a regulation prescribed under subsection (a) are liable to the United States Government for a civil penalty of $500. If the offense was due to the fault of the owner, a master penalized under this section has the right to recover the penalty and costs from the owner.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 578.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11102(a)	46:666
11102(b)	46:667

Section 11102 requires that a United States vessel on a foreign or intercoastal domestic voyage be equipped with a medicine chest, and provides a penalty for noncompliance. The Committee intends that regulation will provide for a well stocked medicine chest adequate for the crew of a vessel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11103 of this title.

§ 11103. Slop chests

(a) A vessel to which section 11102 of this title applies shall be provided with a slop chest containing sufficient clothing for the intended voyage for each seaman, including—

(1) boots or shoes;
(2) hats or caps;
(3) underclothing;
(4) outer clothing;
(5) foul weather clothing;
(6) everything necessary for the wear of a seaman; and
(7) a complete supply of tobacco and blankets.

(b) Merchandise in the slop chest shall be sold to a seaman desiring it, for the use of the seaman, at a profit of not more than 10 percent of the reasonable wholesale value of the merchandise at the port at which the voyage began.

(c) This section does not apply to a vessel on a voyage to Canada, Bermuda, the West Indies, Mexico, or Central America, or a fishing or whaling vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 578.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11103	46:670 46:671

Section 11103 requires that a United States vessel on a foreign or intercoastal domestic voyage be equipped with a slop chest and lists the items the slop chest must contain.

§ 11104. Destitute seamen

(a) A consular officer shall provide, for a destitute seaman of the United States, subsistence and passage to a port of the United States in the most reasonable manner, at the expense of the United States Government and subject to regulations prescribed by the Secretary of State. A seaman, if able, shall be required to perform duties on the vessel giving the seaman passage, in accordance with the seaman's rating.

(b) A master of a vessel of the United States bound to a port of the United States shall take a destitute seaman on board at the request of a consular officer and transport the seaman to the United States. A master refusing to transport a destitute seaman when requested is liable to the United States Government for a civil penalty of $100. The certificate signed and sealed by a consular officer is prima facie evidence of refusal. A master is not required to carry a destitute seaman if the seaman's presence would cause the number of individuals on board to exceed the number permitted in the certificate of inspection or if the seaman has a contagious disease.

(c) Compensation for the transportation of destitute seamen to the United States who are unable to work shall be agreed on by the master and the consular officer, under regulations prescribed by the Secretary of State. However, the compensation may be not more than the lowest passenger rate of the vessel, or 2 cents a mile, whichever is less.

(d) When a master of a vessel of the United States takes on board a destitute seaman unable to work, from a port or place not having a consular officer, for transportation to the United States or to a port at which there is a consular officer, the master or owner of the vessel shall be compensated reasonably under regulations prescribed by the Secretary of State.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 578.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11104(a)	46:678
11104(b)–(d)	46:679

Section 11104 provides for the return to the United States of destitute seamen of the United States at the expense of the United States Government.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10313 of this title.

§ 11105. Wages on discharge when vessel sold

(a) When a vessel of the United States is sold in a foreign country, the master shall deliver to the consular officer a certified crew list and the agreement required by this part. The master shall pay each seaman the wages due the seaman and provide the seaman with employment on board another vessel of the United States bound for the port of original engagement of the seaman or to another port agreed on. If employment cannot be provided, the master shall—

(1) provide the seaman with the means to return to the port of original engagement;

(2) provide the seaman passage to the port of original engagement; or

(3) deposit with the consular officer an amount of money considered sufficient by the officer to provide the seaman with maintenance and passage home.

(b) The consular officer shall endorse on the agreement the particulars of the payment, provision, or deposit made under this section.

(c) An owner of a vessel is liable to the United States Government for a civil penalty of $500 if the master does not comply with this section.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 579.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11105	46:684

Section 11105 provides that when a United States vessel is sold in a foreign port, the seamen must be provided employment on another vessel, or passage to the port of original shipment.

§ 11106. Wages on justifiable complaint of seamen

(a) Before a seaman on a vessel of the United States is discharged in a foreign country by a consular officer on the seaman's complaint that the agreement required by this part has been breached because the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, the officer shall inquire about the complaint. If satisfied of the justice of the complaint, the consular officer shall require the master to pay the wages due the seaman plus one month's additional wages and shall discharge the seaman. The master shall provide the seaman with employment on another vessel or provide the seaman with passage on another vessel to the port of original engagement, to the most convenient port of the United States, or to some port agreeable to the seaman.

(b) When a vessel does not have sufficient provisions for the intended voyage, and the seaman has been forced to accept a reduced ration or provisions that are bad in quality or unfit for use, the seaman is entitled to recover from the master or owner an allowance, as additional wages, that the court hearing the case considers reasonable.

(c) Subsection (b) of this section does not apply when the reduction in rations was for a period during which the seaman willfully and without sufficient cause failed to perform duties or was lawfully under confinement on board or on shore for misconduct, unless that reduction can be shown to have been unreasonable.

(d) Subsection (b) of this section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 579.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11106(a)	46:685
11106(b)–(d)	46:665

Section 11106 provides compensation to seamen on United States vessels when a shipping agreement is breached. It does not apply to fishing vessels, whaling vessels or yachts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11503 of this title.

§ 11107. Unlawful engagements void

An engagement of a seaman contrary to a law of the United States is void. A seaman so engaged may leave the service of the vessel at any time and is entitled to recover the highest rate of wages at the port from which the seaman was engaged or the amount agreed to be given the seaman at the time of engagement, whichever is higher.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 580.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11107	46:578

Section 11107 entitles seamen engaged contrary to any United States law to leave the service of the vessel without loss of wages.

§ 11108. Taxes

Wages due or accruing to a master or seaman on a vessel in the foreign, coastwise, intercoastal, interstate, or noncontiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and the employer of the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, § 402(14), July 17, 1984, 98 Stat. 450.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11108	46:601

Section 11108 prohibits the mandatory withholding of state or local taxes from crewmembers on certain specified vessels. It permits, however, voluntary withholding agreements.

AMENDMENTS

1984—Pub. L. 98-364 substituted "an individual employed on a fishing vessel or any fish processing vessel" for "a fisherman employed on a fishing vessel".

§ 11109. Attachment of wages

(a) Wages due or accruing to a master or seaman are not subject to attachment or arrestment from any court, except for an order of a court about the payment by a master or seaman of any part of the master's or seaman's wages for the support and maintenance of the spouse or minor children of the master or seaman, or both. A payment of wages to a master or seaman is valid, notwithstanding any prior sale or assignment of wages or any attachment, encumbrance, or arrestment of the wages.

(b) An assignment or sale of wages or salvage made before the payment of wages does not bind the party making it, except allotments authorized by section 10315 of this title.

(c) This section applies to an individual employed on a fishing vessel or any fish processing vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, § 402(15), July 17, 1984, 98 Stat. 450.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11109	46:601

Section 11109 limits the attachment of a seaman's wages and establishes certain rules for the assignment of a seaman's wages. It also applies to fishermen on fishing vessels.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-364 substituted "an individual employed on a fishing vessel or any fish processing vessel" for "a fisherman on a fishing vessel".

§ 11110. Seamen's clothing

The clothing of a seaman is exempt from attachments and liens. A person detaining a seaman's clothing shall be fined not more than $500, imprisoned for not more than 6 months, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11110	46:563

Section 11110 exempts seamen's clothing from attachments and liens. It also provides a penalty for violations.

§ 11111. Limit on amount recoverable on voyage

When a seaman is on a voyage on which a written agreement is required under this part, not more than $1 is recoverable from the seaman by a person for a debt incurred by the seaman during the voyage for which the seaman is signed on until the voyage is ended.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11111	46:602

Section 11111 limits the amount of money recoverable from a seaman for a debt incurred while on a voyage on which a shipping agreement is required.

CHAPTER 113—OFFICIAL LOGBOOKS

Sec.
11301. Logbook and entry requirements.
11302. Manner of making entries.
11303. Penalties.

§ 11301. Logbook and entry requirements

(a) Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is—

(1) on a voyage from a port in the United States to a foreign port; or

(2) of at least 100 gross tons and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean.

(b) The master of the vessel shall make or have made in the official logbook the following entries:

(1) each legal conviction of a seaman of the vessel and the punishment inflicted.

(2) each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by section 11502 of this title.

(3) each offense for which punishment is inflicted on board and the punishment inflicted.

(4) a statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications.

(5) each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment.

(6) each death on board, with the cause of death, and if a seaman, the information required by section 10702 of this title.

(7) each birth on board, with the sex of the infant and name of the parents.

(8) each marriage on board, with the names and ages of the parties.

(9) the name of each seaman who ceases to be a crewmember (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crewmember.

(10) the wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages.

(11) the sale of the property of a seaman who dies during the voyage, including a statement of each article sold and the amount received for the property.

(12) when a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581; Pub. L. 98-557, § 30, Oct. 30, 1984, 98 Stat. 2875.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11301	46:201

Section 11301 requires United States vessels on certain types of voyages to have an official logbook and lists the types of entries that must be made in the logbook.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-557 amended subsec. (a) generally, which prior to amendment read as follows: "A vessel of the United States on a voyage between a port in the United States and a port in a foreign country, and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean, shall have an official logbook."

§ 11302. Manner of making entries

Each entry made in the official logbook—

(1) shall be made as soon as possible after the occurrence;

(2) if not made on the day of the occurrence, shall be dated and state the date of the occurrence;

(3) if the entry is about an occurrence happening before the vessel's arrival at the final port of discharge, shall be made not later than 24 hours after the arrival;

(4) shall be signed by the master; and

(5) shall be signed by the chief mate or another seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11302	46:202

Section 11302 describes the manner in which entries shall be made in the logbook, specifying when they shall be made, who shall sign them, and requiring that they shall be dated.

§ 11303. Penalties

(a) A master failing to maintain an official logbook as required by this part is liable to the United States Government for a civil penalty of $200.

(b) A master failing to make an entry in the vessel's official logbook as required by this part is liable to the Government for a civil penalty of $200.

(c) A person is liable to the Government for a civil penalty of $150 when the person makes, procures to be made, or assists in making, an entry in the vessel's official logbook—

(1) later than 24 hours after the vessel's arrival at the final port of discharge; and

(2) that is about an occurrence that happened before that arrival.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11303	46:203

Section 11303 provides a penalty for violation of the provisions about logbooks in this part.

CHAPTER 115—OFFENSES AND PENALTIES

Sec.

11501. Penalties for specified offenses.
11502. Entry of offenses in logbook.
11503. Duties of consular officers related to insubordination.
11504. Enforcement of forfeitures.
11505. Disposal of forfeitures.
11506. Carrying sheath knives.
11507. Surrender of offending officers.

§ 11501. Penalties for specified offenses

When a seaman lawfully engaged commits any of the following offenses, the seaman shall be punished as specified:

(1) For desertion, the seaman forfeits any part of the money or property the seaman leaves on board and any part of earned wages.

(2) For neglecting or refusing without reasonable cause to join the seaman's vessel or to proceed to sea in the vessel, for absence without leave within 24 hours of the vessel's sailing from a port (at the beginning or during

the voyage), or for absence without leave from duties and without sufficient reason, the seaman forfeits from the seaman's wages not more than 2 days' pay or a sufficient amount to defray expenses incurred in hiring a substitute.

(3) For quitting the vessel without leave after the vessel's arrival at the port of delivery and before the vessel is placed in security, the seaman forfeits from the seaman's wages not more than one month's pay.

(4) For willful disobedience to a lawful command at sea, the seaman, at the discretion of the master, may be confined until the disobedience ends, and on arrival in port forfeits from the seaman's wages not more than 4 days' pay or, at the discretion of the court, may be imprisoned for not more than one month.

(5) For continued willful disobedience to lawful command or continued willful neglect of duty at sea, the seaman, at the discretion of the master, may be confined, on water and 1,000 calories, with full rations every 5th day, until the disobedience ends, and on arrival in port forfeits, for each 24 hours' continuance of the disobedience or neglect, not more than 12 days' pay or, at the discretion of the court, may be imprisoned for not more than 3 months.

(6) For assaulting a master, mate, pilot, engineer, or staff officer, the seaman shall be imprisoned for not more than 2 years.

(7) For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, the seaman forfeits from the seaman's wages the amount of the loss sustained and, at the discretion of the court, may be imprisoned for not more than 12 months.

(8) For smuggling for which a seaman is convicted causing loss or damage to the owner or master, the seaman is liable to the owner or master for the loss or damage, and any part of the seaman's wages may be retained to satisfy the liability. The seaman also may be imprisoned for not more than 12 months.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11501	46:701

Section 11501 provides penalties for specific offenses committed by seamen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11502 of this title.

§ 11502. Entry of offenses in logbook

(a) When an offense listed in section 11501 of this title is committed, an entry shall be made in the vessel's official logbook—

(1) on the day of the offense;

(2) stating the details;

(3) signed by the master; and

(4) signed by the chief mate or another seaman.

(b) Before arrival in port if the offense was committed at sea, or before departure if the offense was committed in port and the offender is still on the vessel—

(1) the entry shall be read to the offender;

(2) the offender shall be given a copy; and

(3) the offender shall be given the opportunity to reply.

(c) After subsection (b) of this section has been complied with, an entry shall be made in the official logbook—

(1) stating that the entry about the offense was read and a copy provided to the offender;

(2) stating the offender's reply;

(3) signed by the master; and

(4) signed by the chief mate or another seaman.

(d) In a subsequent legal proceeding, if the entries required by this section are not produced or proved, the court may refuse to receive evidence of the offense.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11502	46:702

Section 11502 describes the manner in which offenses must be recorded in the official logbook, and the use of the records by the court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11301 of this title.

§ 11503. Duties of consular officers related to insubordination

(a) A consular officer shall use every means to discountenance insubordination on vessels of the United States, including employing the aid of local authorities.

(b) When a seaman is accused of insubordination, a consular officer shall inquire into the facts and proceed as provided in section 11106 of this title. If the consular officer discharges the seaman, the officer shall endorse the agreement required by this part and enter in the vessel's official logbook the cause and particulars of the discharge.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11503	46:703

Section 11503 delegates to consular officers certain responsibilities related to insubordination of seamen on United States vessels.

§ 11504. Enforcement of forfeitures

When an offense by a seaman also is a criminal violation, it is not necessary that a criminal proceeding be brought to enforce a forfeiture.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11504	46:705

Section 11504 provides that when a seaman has committed a criminal offense, a forefeiture may be enforced through civil proceedings.

§ 11505. Disposal of forfeitures

(a) Money, property, and wages forfeited under this chapter for desertion may be applied to compensate the owner or master of the vessel for expenses caused by the desertion. The balance shall be transferred to the Secretary when the voyage is completed, as prescribed by the Secretary.

(b) Within one month of receiving the balance under subsection (a) of this section, the Secretary shall transfer the balance to the appropriate district court of the United States. If it appears to the district court that the forfeiture was imposed properly, the property transferred may be sold in the same manner prescribed for the disposition of the property of deceased seamen. The court shall deposit in the Treasury as miscellaneous receipts the proceeds of the sale and any money and wages transferred to the court.

(c) When an owner or master fails to transfer the balance as required under subsection (a) of this section, the owner or master is liable to the United States Government for a civil penalty of 2 times the amount of the balance, recoverable by the Secretary in the same manner that seaman's wages are recovered.

(d) In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the owner of the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11505	46:706

Section 11505 provides for the disposal of wages forfeited by deserting seamen.

§ 11506. Carrying sheath knives

A seaman in the merchant marine may not wear a sheath knife on board a vessel without the consent of the master. The master of a vessel of the United States shall inform each seaman of this prohibition before engagement. A master failing to advise a seaman is liable to the United States Government for a civil penalty of $50.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11506	46:710

Section 11506 prohibits a merchant seaman from carrying a sheath knife without permission of the master, and penalizes a master who does not advise a seaman of this provision.

§ 11507. Surrender of offending officers

When an officer of a vessel of the United States (except the master) has violated section 2191 of title 18, and the master has actual knowledge of the offense or if complaint is made within 3 days after reaching port, the master shall surrender the offending officer to the proper authorities. If the master fails to use diligence to comply with this section and the offender escapes, the owner, the master, and the vessel are liable for damages to the individual unlawfully punished.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11507	46:712

Section 11507 requires a master of a vessel of the United States to surrender to the proper authorities any officer who has violated section 2191 of title 18 (which provides a penalty for cruelty to seamen by officers), and penalizes the master for noncompliance.

PART H—IDENTIFICATION OF VESSELS

CHAPTER 121—DOCUMENTATION OF VESSELS

Sec.

12101. Related terms in other laws.
12102. Vessels eligible for documentation.
12103. Certificates of documentation.
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12106. Coastwise licenses and registry.
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12122. Penalties.

AMENDMENTS

1985—Pub. L. 99-36, § 1(a)(7)(A), May 15, 1985, 99 Stat. 67, substituted "Recreational" for "Pleasure" in item 12109.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2101 of this title; section 808a of Appendix to this title; title 16 section 2432.

§ 12101. Related terms in other laws

When used in a law, regulation, document, ruling, or other offical act referring to the documentation of a vessel—

(1) "certificate of registry", "register", and "registry" mean a registry as provided in section 12105 of this title.

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise license as provided in section 12106 of this title.

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" means a Great Lakes license as provided in section 12107 of this title.

(4) "license for the fisheries" and "enrollment and license for the fisheries" mean a fishery license as provided in section 12108 of this title.

(5) "yacht" means a recreational vessel even if not documented.

(6) "fisheries" includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 98-364, title IV, § 402(16), July 17, 1984, 98 Stat. 450; Pub. L. 99-36, § 1(a)(7)(B), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12101	46:65w

Section 12101 defines the types of certificates of documentation that are used in this chapter, and in other laws, regulations, document rulings or other official acts referring to the documentation of a vessel.

AMENDMENTS

1985—Par. (5). Pub. L. 99-36 substituted "recreational" for "pleasure".

1984—Par. (6). Pub. L. 98-364 added par. (6).

§ 12102. Vessels eligible for documentation

A vessel of at least 5 net tons not registered under the laws of a foreign country is eligible for documentation if the vessel is owned by—

(1) an individual who is a citizen of the United States;

(2) an association, trust, joint venture, or other entity—

(A) all of whose members are citizens of the United States; and

(B) that is capable of holding title to a vessel under the laws of the United States or of a State;

(3) a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States;

(4) a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(5) the United States Government; or

(6) the government of a State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12102	46:65b

Section 12102 provides that vessels of at least five net tons, not registered under the laws of a foreign nation, are eligible for documentation if certain ownership requirements are met, and lists the ownership requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12112 of this title.

§ 12103. Certificates of documentation

(a) On application by the owner of a vessel eligible for documentation, the Secretary shall issue a certificate of documentation of one of the types specified in sections 12105–12109 of this title.

(b) The Secretary may prescribe the form of, the manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel;

(2) identify the owner of the vessel; and

(3) contain additional information prescribed by the Secretary.

(d) The Secretary shall prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation.

(e) The owner and master of a documented vessel shall make the vessel's certificate of documentation available for examination as the law or Secretary may require.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12103	46:65e

Section 12103 provides that a certificate of documentation shall be issued upon application by the owner of any vessel eligible for documentation on the form and in the manner prescribed by the Secretary and that it shall be available for examination. This section also provides that each certificate of documentation shall contain the name, the home port, the description of the vessel, identity of its owner, and be in the form and contain the additional information that the Secretary prescribes. The Secretary shall, by regulation, prescribe procedures to ensure the integrity of, and the accuracy of, information contained in, certificates of documentation.

§ 12104. Effect of documentation

A certificate of documentation is—

(1) conclusive evidence of nationality for international purposes, but not in a proceeding conducted under the laws of the United States;

(2) except for a recreational vessel license, conclusive evidence of qualification to be employed in a specified trade; and

(3) not conclusive evidence of ownership in a proceeding in which ownership is in issue.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 99-36, § 1(a)(7)(B), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12104	46:65g

Section 12104 provides that a certificate of documentation is conclusive evidence of nationality but not conclusive evidence of ownership in any proceeding in which ownership is an issue.

AMENDMENTS

1985—Par. (2). Pub. L. 99-36 substituted "recreational" for "pleasure".

§ 12105. Registry

(a) A registry may be issued for a vessel eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 of this title, a Great Lakes license under section 12107 of this title, or a fishery license under section 12108 of this title, the Secretary may issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

(d) Except as provided in sections 12106-12108 of this title, a foreign built vessel registered under this section may not engage in the coastwise trade, the Great Lakes trade, or the fisheries.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12105	46:65h

Section 12105 authorizes the Secretary to issue a vessel a registry entitling it to be employed in the foreign trade, and to issue special endorsements for the coastwise trade, the Great Lakes trade or the fisheries. It also prohibits foreign built vessels from engaging in United States domestic trades.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12101, 12103, 12106, 12107, 12108 of this title.

§ 12106. Coastwise licenses and registry

(a) A coastwise license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

(1) is eligible for documentation;

(2)(A) was built in the United States; or

(B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and

(3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.

(b) Subject to the laws of the United States regulating the coastwise trade and the fisheries, only a vessel for which a coastwise license or an appropriately endorsed registry is issued may be employed in—

(1) the coastwise trade; and

(2) the fisheries.

(c) A coastwise license to engage in the coastwise trade of fisheries products between places in Guam, American Samoa, and the Northern Mariana Islands may be issued for a vessel that—

(1) is less than two hundred gross tons;

(2) was not built in the United States;

(3) is eligible for documentation; and

(4) otherwise qualifies under the laws of the United States to be employed in the coastwide trade.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 98-454, title III, § 301(b), Oct. 5, 1984, 98 Stat. 1734.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12106	46:65i

Section 12106 provides for the issuance of a certificate of documentation in the form of a coastwise license or an appropriately endorsed registry for any vessel that is eligible for documentation, is built in the United States, and qualifies under the laws of the United States to be employed in the coastwise trade. It also provides for the documentation of certain vessels captured during war that have not been built in the United States.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-454 added subsec. (c).

APPLICATION OF WEIGHT LIMITATIONS TO NORTHERN MARIANA ISLANDS

Section 303 of Pub. L. 98-454 provided that: "The weight limitations contained in subsections (b) and (c) of section 301 above [amending sections 12106 and 12108 of this title] shall not apply to the Northern Mariana Islands until the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands (61 Stat. 3301)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12101, 12103, 12105 of this title.

§ 12107. Great Lakes licenses and registry

(a) A Great Lakes license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

(1) is eligible for documentation;

(2)(A) was built in the United States; or

(B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and

(3) otherwise qualifies under the laws of the United States to be employed in the coastwise trade.

(b) Subject to the laws of the United States regulating the coastwise trade, trade with Canada, and the fisheries, only a vessel for which a Great Lakes license or an appropriately endorsed registry is issued may be employed on the Great Lakes and their tributary and connecting waters in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 587.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12107	46:65j

Section 12107 provides that a certificate of documentation in the form of a Great Lakes license or an appropriately endorsed registry may be issued for any vessel that is eligible for documentation, was built in the United States, and qualifies under the laws of the United States to be employed in the coastwise trade. It also provides for the documentation of certain vessels captured in war that have not been built in the United States.

Section Referred to in Other Sections

This section is referred to in sections 12101, 12103, 12105 of this title.

§ 12108. Fishery licenses and registry

(a) A fishery license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

(1) is eligible for documentation; and

(2)(A) was built in the United States; or

(B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and

(3) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(b) Subject to the laws of the United States regulating the fisheries, only a vessel for which a fishery license or an appropriately endorsed registry is issued may be employed in the fisheries.

(c) A fishery license to engage in fishing in the territorial sea and fishery conservation zone adjacent to Guam, American Samoa, and the Northern Mariana Islands may be issued to a vessel that—

(1) is less than two hundred gross tons;

(2) was not built in the United States;

(3) is eligible for documentation; and

(4) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 98-454, title III, § 301(c), Oct. 5, 1984, 98 Stat. 1734.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12108	46:65k

Section 12108 provides that a certificate of documentation in the form of a fishery license or an appropriately endorsed registry may be issued for any vessel that is eligible for documentation, was built in the United States, and qualifies under the laws of the United States to be employed in the fisheries. It also provides for the documentation of certain vessels captured in war that have not been built in the United States.

Amendments

1984—Subsec. (c). Pub. L. 98-454 added subsec. (c).

Application of Weight Limitations to Northern Mariana Islands

For provisions directing that weight limitations contained in subsec. (c) of this section shall not apply to the Northern Mariana Islands until the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, see section 303 of Pub. L. 98-454, set out as a note under section 12106 of this title.

Section Referred to in Other Sections

This section is referred to in sections 12101, 12103, 12105 of this title.

§ 12109. Recreational vessel licenses

(a) A recreational vessel license may be issued for a vessel that is—

(1) eligible for documentation; and

(2) to be operated only for pleasure.

(b) A licensed recreational vessel may proceed between a port of the United States and a port of a foreign country without entering or clearing with the Customs Service.

(c) The Secretary may prescribe by regulation reasonable fees for issuing, renewing, or replacing a recreational vessel license, or for providing any other service related to a recreational vessel license. The fees shall be based on the costs of the service provided.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 99-36, § 1(a)(7)(C), May 15, 1985, 99 Stat. 67.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12109	46:65l

Section 12109 provides that a certificate of documentation in the form of a pleasure vessel license may be issued for any vessel that is eligible for documentation and is to be used exclusively for pleasure. This section also authorizes the Secretary to charge a reasonable fee for issuing, reviewing, or replaceing a pleasure vessel license or for providing any other related service.

AMENDMENTS

1985—Pub. L. 99-36 substituted "Recreational" and "recreational vessel" for "Pleasure" and "pleasure vessel", respectively, in section catchline and wherever appearing in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12103 of this title.

§ 12110. Limitations on operations authorized by certificates

(a) A vessel may not be employed in a trade except a trade covered by the certificate of documentation issued for that vessel. A documented recreational vessel may be operated only for pleasure. However, a certificate of documentation may be exchanged, under regulations prescribed by the Secretary, for another type of certificate of documentation or endorsed appropriately for a trade for which the vessel qualifies.

(b) A barge qualified to be employed in the coastwise trade may be employed, without being documented, in that trade on rivers, harbors, lakes (except the Great Lakes), canals, and inland waters.

(c) When a vessel is employed in a trade not covered by the certificate of documentation issued for that vessel, or a documented recreational vessel is operated except for pleasure, the vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

(d) A documented vessel may be placed under the command only of a citizen of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 588; Pub. L. 99-36, § 1(a)(7)(D), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12110	46:65m

Section 12110 provides that a vessel is limited to the trade covered by its certificate of documentation; exempts certain barges from documentation; requires that the person in charge be a citizen of the United States; and provides for a penalty for violation.

AMENDMENTS

1985—Subsecs. (a), (c). Pub. L. 99-36 substituted "documented recreational" for "documented pleasure".

§ 12111. Invalidation of certificates of documentation

(a) A certificate of documentation is invalid if the vessel for which it is issued—

(1) no longer meets the requirements of this chapter and regulations prescribed under this chapter applicable to that certificate of documentation; or

(2) is placed under the command of a person not a citizen of the United States.

(b) Except as provided by section 30(O) of the Merchant Marine Act, 1920 (46 App. U.S.C. 961(a)), an invalid certificate of documentation shall be surrendered as provided by regulations prescribed by the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 588.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12111	46:65o

Under section 12111, a certificate of documentation becomes invalid if the vessel for which it is issued no longer meets the requirements for issuance of the certificate or is placed under the command of a person who is not a citizen of the United States. It also requires the surrender of invalid certificates but gives protection to preferred mortgages.

§ 12112. Vessels procured outside the United States

(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of an appropriate document for a vessel procured outside the United States meeting the ownership requirements of section 12102 of this title.

(b) Subject to limitations the Secretary may prescribe, a vessel for which an appropriate document is issued under this section may proceed to the United States and engage en route in the foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. On the vessel's arrival in the United States, the document shall be surrendered as provided by regulations prescribed by the Secretary.

(c) A vessel for which a document is issued under this section is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend for a period of not more than 6 months, the application of a vessel inspection law carried out by the Secretary or regulations prescribed under that law if the Secretary considers the suspension to be in the public interest.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 588.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
12112	46:65p

Section 12112 authorizes the Secretary and the Secretary of State to provide for the issuance of an appropriate document for a vessel procured outside of the United States by a United States citizen. This enables the vessel to proceed directly to the United States and to trade en route, with the requirement that the document be surrendered upon the vessel's arrival in the United States. It also authorizes the Secretary to temporarily suspend application of those vessel inspection and measurement laws if the suspension is deemed to be in the public interest.

§ 12113. Ports of documentation

The Secretary shall designate ports of documentation in the United States at which vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary—

(1) shall specify the geographic area to be served by each designated port; and

(2) may discontinue, relocate, or designate additional ports of documentation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 588.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12113	46:65a

Section 12113 provides for the designation by the Secretary of ports of documentation in the United States where vessels may be documented and instruments of title recorded and for the designation of the geographic area to be served by each designated port. It also authorizes the discontinuance and relocation of ports of documentation and the designation of additional ports of documentation.

§ 12114. Home ports

(a) The port selected by an owner of a vessel and approved by the Secretary for the documentation of the vessel is the vessel's home port.

(b) Once a vessel's home port is established, it may not be changed without the approval of the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589; Pub. L. 99-36, § 1(a)(8), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12114	46:65c

Section 12114 defines a vessel's home port of documentation as the port selected by an owner for the documentation of the owner's vessel, subject to the approval of the Secretary, and provides that a vessel's home port may only be changed with the approval of the Secretary.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 struck out "of documentation" after "The port".

§ 12115. Names of vessels

(a) The name of the vessel selected by the owner and approved by the Secretary for the documentation of the vessel is the vessel's name of record.

(b) Once a vessel's name of record is established, it may not be changed without the approval of the Secretary.

(c) The Secretary may prescribe by regulation a reasonable fee for changing a documented vessel's name of record.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12115	46:65d

Section 12115 provides that the name of record of the vessel to be documented will be the name provided by the owner subject to the approval of the Secretary. It also gives the Secretary authority to charge a fee for changing a documented vessel's name.

§ 12116. Numbers, signal letters, and identification markings

(a) The Secretary shall maintain a numbering system for the identification of a documented vessel and shall assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for a documented vessel.

(c) The owner of a documented vessel shall affix to the vessel and maintain in the manner prescribed by the Secretary the number assigned and any other identification markings the Secretary may require.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12116	46:65f

Section 12116 gives the Secretary authority to assign official numbers, signal letters, and other identification markings to documented vessels, and to require that the markings remain affixed to the vessels.

§ 12117. Recording of United States built vessels

The Secretary may provide for the recording and certifying of information about vessels built in the United States that the Secretary considers to be in the public interest.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12117	46:65q

Section 12117 authorizes the Secretary to provide for the recording and certifying of that information pertaining to vessels built in the United States that is considered to be in the public interest.

§ 12118. Registration of funnel marks and house flags

The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12118	46:65r

Section 12118 authorizes the Secretary to provide for the registration of funnel marks and house flags.

§ 12119. List of documented vessels

The Secretary shall publish periodically a list of all documented vessels and information about those vessels that the Secretary considers pertinent or useful. The list shall contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12119	46:65s 46:881

Section 12119 requires the Secretary to publish a list of all documented vessels and pertinent and useful information about the vessels, including a notation of which vessels are classed by the American Bureau of Shipping.

§ 12120. Reports

To ensure compliance with this chapter and laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in any reasonable form and manner the Secretary may prescribe.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12120	46:65t

Section 12120 authorizes the Secretary to require masters and owners of documented vessels to submit reports to ensure compliance with this chapter and with the laws governing the qualifications required of vessels engaging in the coastwise trade and fisheries. These reports are for keeping the vessel data current and certificates of documentation up to date.

§ 12121. Regulations

The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12121	46:65v(2)

Section 12121 gives the Secretary authority to prescribe regulations to carry out this chapter.

§ 12122. Penalties

(a) A person that violates this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than $500.

(b) When the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation of the vessel, that vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

(c) When a certificate of documentation is knowingly and fraudulently used for a vessel, that vessel and its equipment are liable to seizure by and forfeiture to the Government.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 590.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12122(a)	46:65u(a)
12122(b)	46:65n(a)
12122(c)	46:65n(b)

Section 12122 provides a civil penalty of not more than $500 for each violation of this chapter. It also provides for seizure and forfeiture of a vessel for false statements or representations in connection with the documentation of vessels and for fraudulent use of a certificate of documentation.

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

Sec.
12301. Numbering vessels.
12302. Standard numbering system.
12303. Exemption from numbering requirements.
12304. Certificates of numbers.
12305. Displaying numbers.
12306. Safety certificates.
12307. Regulations on numbering and fees.
12308. Providing vessel numbering and registration information.
12309. Penalties.

Chapter Referred to in Other Sections

This chapter is referred to in sections 2102, 13102, 13103 of this title; title 16 sections 1802, 2432; title 21 section 955b.

§ 12301. Numbering vessels

An undocumented vessel equipped with propulsion machinery of any kind shall have a number issued by the proper issuing authority in the State in which the vessel principally is operated.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 590.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12301	46:1466

Section 12301 requires that undocumented vessels that are propelled by machinery be issued an identification number by the proper issuing authority in the State in which the vessel is primarily operated.

§ 12302. Standard numbering system

(a) The Secretary shall prescribe by regulation a standard numbering system for vessels to which this chapter applies. On application by a State, the Secretary shall approve a State numbering system that is consistent with the standard numbering system. In carrying out its numbering system, a State shall adopt any definitions of relevant terms prescribed by regulations of the Secretary.

(b) A State with an approved numbering system is the issuing authority within the meaning of this chapter. The Secretary is the issuing authority in a State in which a State numbering system has not been approved.

(c) When a vessel is numbered in a State, it is deemed in compliance with the numbering system of a State in which it temporarily is operated.

(d) When a vessel is removed to a new State of principal operation, the issuing authority of that State shall recognize the validity of the number issued by the original State for 60 days.

(e) If a State has a numbering system approved after the Secretary issues a number, the State shall recognize the validity of the number issued by the Secretary for one year.

(f) When the Secretary decides that a State numbering system is not being carried out consistent with the standard numbering system or the State has changed the system without the Secretary's approval, the Secretary may withdraw approval after giving notice to the State, in writing, stating the reasons for the withdrawal.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 590.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12302	46:1467

Section 12302 provides for a standard numbering system for undocumented vessels and for approval of State numbering systems by the Secretary. It also requires that a State, when implementing its numbering system, adopt any relevant terms required by the Secretary. In States without approved numbering systems, the Federal Government issues the numbers. This section also provides for the operation of a vessel in a State other than the one in which it was numbered.

§ 12303. Exemption from numbering requirements

(a) When the Secretary is the authority issuing a number under this chapter, the Secretary may exempt a vessel or class of vessels from the numbering requirements of this chapter under conditions the Secretary may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering requirements of this chapter a vessel or class of vessels exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12303	46:1468

Section 12303 permits the Secretary and any State, when it is the issuing authority, to exempt vessels from the numbering requirements.

§ 12304. Certificates of numbers

(a) A certificate of number is granted for a number issued under this chapter. The certificate shall be pocketsized, shall be at all times available for inspection on the vessel for which issued when the vessel is in operation, and may be valid for not more than 3 years. The certificate of number for a vessel less than 26 feet in length and leased or rented to another for the latter's noncommercial operation of less than 7 days may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative. A vessel that does not have the certificate of number on board shall be identified when in operation, and comply with requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this chapter shall provide—

(1) the issuing authority notice of the transfer of any part of the owner's interest in the vessel or of the destruction or abandonment of the vessel, within a reasonable time after the transfer, destruction, or abandonment; and

(2) notice of a change of address within a reasonable time of the change, as prescribed by regulation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12304	46:1469

Section 12304 describes a certificate of number and stipulates when it must be carried on board a vessel. It also requires that the number issuing authority be notified when a boat is sold, transferred, destroyed, or abandoned, or when the owner's address changes.

§ 12305. Displaying numbers

A number required by this chapter shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12305	46:1470

Section 12305 describes the manner in which a number must be displayed on a vessel, and prohibits the display of other numbers on the forward half of the vessel.

§ 12306. Safety certificates

When a State is the authority issuing a number under this chapter, it may require that the individual in charge of a numbered vessel have a valid safety certificate issued under conditions set by the issuing authority, except when the vessel is subject to manning requirements under part F of this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
12306	46:1471

Section 12306 authorizes a State that is an issuing authority to require a numbered vessel operator to hold a valid safety certificate, unless the vessel is subject to manning requirements under part F of this subtitle.

§ 12307. Regulations on numbering and fees

The authority issuing a number under this chapter may prescribe regulations and establish fees to carry out the intent of this chapter. The fees shall apply equally to residents and nonresidents of the State. A State issuing authority may impose only conditions for vessel numbering that are—

(1) prescribed by this chapter or regulations of the Secretary about the standard numbering system; or

(2) related to proof of payment of State or local taxes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12307	46:1472

Section 12307 provides the States or the Secretary with the authority to prescribe regulations and establish fees for carrying out the requirements of this chapter. The fee must apply equally to residents and nonresidents of the State in which the vessel is numbered.

§ 12308. Providing vessel numbering and registration information

A person may request from an authority issuing a number under this chapter the numbering and registration information of a vessel that is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be provided on paying the cost of retrieving and providing the information requested.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 592.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12308	46:1473

Section 12308 requires the number issuing authority to supply for a fee, numbering and registration information to any person, upon request, if the request is reasonable and related to boating safety.

§ 12309. Penalties

(a) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than $5,000, imprisoned for not more than one year, or both.

(b) A person violating this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than $1,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(c) When a civil penalty of not more than $200 has been assessed under this chapter, the Secretary may refer the matter of collection of the penalty directly to the United States magistrate of the jurisdiction in which the person liable may be found for collection procedures under supervision of the district court and under an order issued by the court delegating this authority under section 636(b) of title 28.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 592.)

Historical and Revision Notes

Revised section	*Source section (U.S. Code)*
12309(a)	46:1483
12309(b)	46:1484(b)
12309(c)	46:1484(d)

Section 12309 provides for civil and criminal penalties for violation of the vessel numbering provisions in this title.

PART I—STATE BOATING SAFETY PROGRAMS

Part Referred to in Other Sections

This part is referred to in section 2102 of this title.

CHAPTER 131—RECREATIONAL BOATING SAFETY

Sec.

13101. State recreational boating safety programs.
13102. Program acceptance.
13103. Allocations.
13104. Availability of allocations.
13105. Computation decisions about State amounts expended.
13106. Authorization of contract spending.
[13107. Repealed.]
13108. Computing amounts allocated to States and State records requirements.
13109. Consultation, cooperation, and regulation.
13110. National Boating Safety Advisory Council.

Historical and Revision Notes

This Chapter establishes the recreational boating safety and facility program administered by the Coast Guard. The general purpose is to encourage State participation in boating safety education and enforcement activities.

Amendments

1984—Pub. L. 98-369, div. A, title X, § 1016(c)(2), July 18, 1984, 98 Stat. 1020, struck out item 13107 "National Recreational Boating Safety and Facilities Improvement Fund".

§ 13101. State recreational boating safety programs

(a) To encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities, the Secretary shall carry out a national recreational boating safety program. Under this program, the Secretary shall make contracts with, and allocate and distribute amounts to, eligible States to assist them in developing, carrying out, and financing State recreational boating safety programs.

(b) The Secretary shall establish guidelines and standards for the program. In doing so, the Secretary—

(1) shall consider, among other things, factors affecting recreational boating safety by contributing to overcrowding and congestion of waterways, such as the increasing number of recreational vessels operating on those waterways and their geographic distribution, the availability and geographic distribution of recreational boating facilities in and among applying States, and State marine casualty and fatality statistics for recreational vessels;

(2) shall consult with the Secretary of the Interior to minimize duplication with the purposes and expenditures of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4—460*l*-11) and with the guidelines developed under that Act; and

(3) shall maintain environmental standards consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464) and other laws and policies of the United States intended to safeguard the ecological and es-

thetic quality of the waters and wetlands of the United States.

(c) A State whose recreational boating safety program has been approved by the Secretary is eligible for allocation and distribution of amounts under this chapter to assist that State in developing, carrying out, and financing its program. Matching amounts shall be allocated and distributed among eligible States by the Secretary as provided by section 13103 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 592; Pub. L. 98-369, div. A, title X, § 1011(b), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13101	46:1474

Section 13101(a) authorizes the Secretary to make contracts with, and allocate amounts to eligible States to assist them in carrying out their recreational boating safety and facilities improvement programs.

Subsection (b) requires the Secretary to establish guidelines and standards for the program, and specifies specific conditions the Secretary must consider, requires consultation with the Secretary of the Interior, and to maintain environmental standards consistent with the Coastal Zone Management Act.

Subsection (c) makes the States who meet the standards prescribed by the Secretary eligible for the amounts authorized under this chapter.

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b)(2), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of Title 16 and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (b)(3), is title III of Pub. L. 89-454 as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369, § 1011(b), struck out "and facility improvement" after "in boating safety", struck out "and facilities improvement" in two places after "recreational boating safety", and substituted "shall" for "may" in second sentence.

Subsec. (c). Pub. L. 98-369, § 1011(b)(1)(B), struck out "and facilities improvement" after "recreational boating safety".

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1013 of subpart A (§§ 1010-1013) of part I of subtitle B of title X of division A of Pub. L. 98-369 provided that: "The amendments made by this subpart [amending sections 2102, 13101 to 13103, 13105, 13106, 13108, and 13109 of this title and enacting a provision set out as a note under this section] shall take effect on October 1, 1984, and shall apply with respect to fiscal years beginning after September 30, 1984."

CONGRESSIONAL DECLARATION OF POLICY FOR 1984 AMENDMENT

Section 1010 of part I (§§ 1010-1017) of subtitle B of title X of division A of Pub. L. 98-369 provided that: "It is declared to be the policy of Congress and the purpose of this part [enacting sections 4162 and 9504 of Title 26, Internal Revenue Code, amending sections 2102, 13101 to 13103, 13105, 13106, 13108, and 13109 of this title, sections 777, 777b to 777e, 777g, and 777k of Title 16, Conservation, and sections 4161 and 9503 of Title 26, repealing section 13107 of this title, and enacting provisions set out as notes under this section, section 777 of Title 16, and sections 4161, 4162, and 9504 of Title 26] to improve recreational boating safety and to foster greater development, use, and enjoyment of all waters of the United States by encouraging and assisting participation by the States, the boating industry, and the boating public in activities related to increasing boating safety; by authorizing the establishment of national construction and performance standards for boats and associated equipment; by creating more flexible authority governing the use of boats and equipment; and by facilitating the provision of services by the United States Coast Guard on behalf of boating safety. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations among the States and the Federal Government, to encourage and assist the States in exercising their authorities in boating safety, to foster greater cooperation and assistance between the Federal Government and the States in administering and enforcing Federal and State laws and regulations pertaining to boating safety, and to equitably utilize taxes paid on fuel use in motor boats in a manner which enhances boating safety."

§ 13102. Program acceptance

(a) The Secretary shall make a contract with, and allocate and distribute amounts from the Fund established under section 13107 [1] of this title to, a State that has an approved State recreational boating safety program, if the State demonstrates to the Secretary's satisfaction that—

(1) the program submitted by that State is consistent with this chapter and chapters 61 and 123 of this title;

(2) amounts distributed will be used to develop and carry out a State recreational boating safety program containing the minimum requirements of subsection (c) of this section;

(3) sufficient State matching amounts are available from general revenue, undocumented vessel numbering and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of those taxes and established to finance a State recreational boating safety program; and

(4) the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying [2] the State recreational boating safety program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.

(b) Amounts of the Government from sources (except sources referred to in subsection (a)(3) of this section) may not be used to provide a

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[1] See References in Text note below.

[2] So in original. Probably should be followed by "out".

State's share of the costs of the program described under this section. State matching amounts committed to a program under this chapter may not be used to constitute the State's share of matching amounts required by another program of the Government.

(c) The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized to be expended under section 13106 of this title, if the program includes—

(1) a vessel numbering system approved or carried out by the Secretary under chapter 123 of this title;

(2) a cooperative boating safety assistance program with the Coast Guard in that State;

(3) sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;

(4) an adequate State boating safety education program, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol; and

(5) a system, approved by the Secretary, for reporting marine casualties required under section 6102 of this title.

(d) The Secretary's approval under this section is a contractual obligation of the Government for the payment of the proportional share of the cost of carrying out the program.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 593; Pub. L. 98-369, div. A, title X, § 1011(c), July 18, 1984, 98 Stat. 1013; Pub. L. 98-557, § 7(b)(3), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13102	46:1475

Section 13102(a) authorizes the Secretary to contract with the States and allocate the amounts of them if they demonstrate to the satisfaction of the Secretary that they have a program consistent with this chapter and chapters 61 and 123, that the amounts received will be used to develop and carry out their recreational boating safety and facilities improvement programs, that they have sufficient matching amounts available from specified revenue sources to meet the objectives of the program, that they will submit required reports to the Secretary to ensure continued compliance with the objectives of this chapter.

Subsection (b) prohibits a State from using any other funds received from the Federal Government to meet their required State match.

Subsections (c) and (d) require the Secretary to approve a State's recreational boating safety and facilities improvement program if the program meets the specified requirements of this subsection.

Subsection (e) makes the approval of a State's program a contractual obligation of the Government to pay the Federal portion of the cost to carry out the program.

Subsection (f) allows a State to submit a combined boating safety and facility improvement program if it meets the requirements of all of the objectives of both programs.

REFERENCES IN TEXT

Section 13107 of this title, referred to in subsec. (a), was repealed by Pub. L. 98-369, div. A, title X, § 1016(c)(1), July 18, 1984, 98 Stat. 1020. Section 1016(e)(2) of Pub. L. 98-369 set out as a note under section 9504 of Title 26, Internal Revenue Code, provided that references to the Fund established by section 13107 of this title (the National Recreational Boating Safety and Facilities Improvement Fund) are deemed to include a reference to the Boat Safety Account in the Aquatic Resources Trust Fund established by section 9504 of Title 26.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369, § 1011(c)(1), (2), in the provisions preceding par. (1) substituted "shall" for "may" and struck out "and facilities improvement" after "boating safety".

Subsec. (a)(2). Pub. L. 98-369, § 1011(c)(1), (3), struck out ", (d), or (f)" after "requirements of subsection (c)" and struck out "and facilities improvement" after "boating safety".

Subsec. (a)(3), (4). Pub. L. 98-369, § 1011(c)(1), struck out "and facilities improvement" after "boating safety".

Subsec. (c)(4). Pub. L. 98-557 added provisions relating to dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol.

Subsecs. (d), (e). Pub. L. 98-369, § 1011(c)(4), redesignated subsec. (e) as (d). Former subsec. (d), which related to approval of a State recreational boating facilities improvement program by the Secretary, was struck out.

Subsec. (f). Pub. L. 98-369, § 1011(c)(4), struck out subsec. (f) which related to submission by a State to the Secretary of a combined program for the improvement of recreational boating safety and recreational boating facilities.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 13103. Allocations

(a) The Secretary shall allocate amounts available for allocation and distribution under this chapter for State recreational boating safety programs as follows:

(1) One-third shall be allocated equally each fiscal year among eligible States.

(2) One-third shall be allocated among eligible States that maintain a State vessel numbering system approved under chapter 123 of this title and a marine casualty reporting system approved under this chapter so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States.

(3) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State amounts expended or obligated by the State for the State recreational boating safety program during the prior fiscal year bears to the total State amounts expended or obligated during that fiscal year by all eligible States for State recreational boating safety programs.

(b) The amount received by a State under this section in a fiscal year may be not more than one-half of the total cost incurred by that State in developing, carrying out, and financing that State's recreational boating safety program in that fiscal year.

(c) The Secretary may allocate not more than 5 percent of the amounts available for allocation and distribution in a fiscal year for national boating safety activities of national nonprofit public service organizations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 594; Pub. L. 98-369, div. A, title X, § 1011(d), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13103	46:1476

Section 13103 requires the Secretary to allocate the amounts available for recreational boating safety and facilities improvement programs according to a specific formula:

(1) ⅓ shall be allocated equally to each eligible State:

(2) ⅓ shall be allocated to those States maintaining an approved numbering system; and

(3) ⅓ shall be allocated to the State in the proportion that the State obligated in the prior fiscal year to the total amount obligated by all of the States in the prior fiscal year.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-369, § 1011(d), redesignated subsec. (c) as (b), in subsec. (b) as redesignated struck out "and facilities improvement" after "boating safety", and struck out former subsec. (b) which related to allocation of amounts for State recreational boating facilities improvement programs by the Secretary.

Subsec. (c). Pub. L. 98-369, § 1011(d)(1), redesignated subsec. (e) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 98-369, § 1011(d)(1), struck out subsec. (d) which provided that an allocation or distribution of amounts under this section may not be made to a State to maintain boating facilities under that State's approved recreational boating safety and facilities improvement program.

Subsec. (e). Pub. L. 98-369, § 1011(d)(1), redesignated subsec. (e) as (c).

Subsec. (f). Pub. L. 98-369, § 1011(d)(1), struck out subsec. (f) which had provided that the Secretary could extend amounts necessary to carry out this chapter but that there was a limitation on the total amount allocable.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13101, 13106, 13108 of this title.

§ 13104. Availability of allocations

(a) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation. Amounts unobligated by the State at the end of the 3 years shall be withdrawn by the Secretary and shall be available with other amounts to be allocated by the Secretary during that fiscal year.

(b) Amounts available to the Secretary that have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation of amounts for the next fiscal year that may be expended under this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 595.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13104	46:1477

Section 13104 allows a State to use any of the amounts received from the Secretary over a 3 year period. If the State does not spend the money within that period, the amounts revert to the Secretary, who will make the amounts available along with the amounts available for that year.

§ 13105. Computation decisions about State amounts expended

(a) Consistent with regulations prescribed by the Secretary, the computation by a State of amounts expended or obligated for the State recreational boating safety program shall include—

(1) the acquisition, maintenance, and operating costs of land, facilities, equipment, and supplies;

(2) personnel salaries and reimbursable expenses;

(3) the costs of training personnel;

(4) public boat safety education;

(5) the costs of carrying out the program; and

(6) other expenses that the Secretary considers appropriate.

(b) The Secretary shall decide an issue arising out of the computation made under subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596; Pub. L. 98-369, div. A, title X, § 1011(e), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13105	46:1478

Section 13105 prescribes what amounts expended or obligated by a State will be counted toward the State's share. This section also authorizes the Secretary to settle any dispute over the computations required by this section.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 struck out "and facilities improvement" after "boating safety" in provisions preceding par. (1).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13108 of this title.

§ 13106. Authorization of contract spending

(a) The Secretary may expend in each of the fiscal years 1985, 1986, 1987, and 1988, subject to amounts as are provided in appropriations laws for liquidation of contract authority, an amount equal to two-thirds of the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1954 (26 U.S.C. 9503(c)(4)). The amount shall be allocated as provided under section 13103 of this title and shall be available for State recreational boating safety programs as provided under the guidelines established under subsection (b) of this section. Amounts authorized to be expended for State recreational boating safety programs shall remain available until expended and are deemed to have been expended only if an amount equal to the total amounts authorized to be expended under this section for the fiscal year in question and all prior fiscal years have been obligated. Amounts previously obligated but released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated amounts and are immediately available for expenditure.

(b) The Secretary shall establish guidelines prescribing the purposes for which amounts available under this chapter for State recreational boating safety programs may be used. Those purposes may include—

(1) providing facilities, equipment, and supplies for boating safety education and law enforcement, including purchase, operation, maintenance, and repair;

(2) training personnel in skills related to boating safety and to the enforcement of boating safety laws and regulations;

(3) providing public boating safety education, including educational programs and lectures, to the boating community and the public school system;

(4) acquiring, constructing, or repairing public access sites used primarily by recreational boaters;

(5) conducting boating safety inspections and marine casualty investigations;

(6) establishing and maintaining emergency or search and rescue facilities, and providing emergency or search and rescue assistance;

(7) establishing and maintaining waterway markers and other appropriate aids to navigation; and

(8) providing State recreational vessel numbering or titling programs.

(c) An amount equal to one-third of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1954 (26 U.S.C. 9503(c)(4)) is available to the Secretary for expenditures out of the operating expenses account of the Coast Guard for services provided by the Coast Guard for recreational boating safety, including services provided by the Coast Guard Auxiliary. Amounts made available by this subsection shall remain available until expended.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596; Pub. L. 98-369, div. A, title X, § 1012, July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13106	46:1479

Section 13106 provides the Secretary with liquidating contract authority in an amount equal to the revenues received from the motor boat fuel tax. One third shall be used for State boating safety programs, and ⅔ shall be used for State facilities improvement programs. And as provided in Section 13102(f), the approval of a State's program makes it a contractual obligation of the United States Government to provide the amounts available.

AMENDMENTS

1984—Pub. L. 98-369 amended section generally and, among other changes, struck out all references to a facilities improvement program, added provisions directing the Secretary to establish guidelines prescribing the purposes for which amounts available under this chapter for State recreational safety boating programs may be used, and made available to the Secretary an amount equal to one-third of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of title 26 to be used for expenditures out of the operating expenses account of the Coast Guard for services provided by the Coast Guard for recreational boating safety, including services provided by the Coast Guard Auxiliary.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13102 of this title.

[§ 13107. Repealed. Pub. L. 98-369, div. A, title X, § 1016(c)(1), July 18, 1984, 98 Stat. 1020]

Section, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596, established the National Recreational Boating Safety and Facilities Improvement Fund. See section 9504 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1984, see section 1016(e) of Pub. L. 98-369, set out as an Effective Date note under section 9504 of Title 26, Internal Revenue Code.

§ 13108. Computing amounts allocated to States and State records requirements

(a) Amounts allocated and distributed under section 13103 of this title shall be computed and paid to the States as follows:

(1) During the last quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States, the Secretary shall determine the percentage of the amounts available for the next fiscal year to which each eligible State is entitled.

(2) Notice of the percentage and of the dollar amount, if it can be determined, for each State shall be provided to the States at the earliest practicable time.

(3) If the Secretary determines that an amount made available to a State for a prior fiscal year is greater or less than the amount

that should have been made available to the State for the prior fiscal year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) The Secretary shall schedule the payment of amounts, consistent with the program purposes and applicable regulations prescribed by the Secretary of the Treasury, to minimize the time elapsing between the transfer of amounts from the Treasury and the subsequent disbursement of the amounts by a State.

(c) The Secretary shall notify a State authority or agency that further payments will be made to the State only when the program complies with the prescribed standards or a failure to comply substantially with standards is corrected if the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the State recreational boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this chapter or standards prescribed by regulations; or

(2) in carrying out the State recreational boating safety program, there has been a failure to comply substantially with the standards prescribed by regulations.

(d) The Secretary shall provide for the accounting, budgeting, and other fiscal procedures that are necessary and reasonable to carry out this section properly and efficiently. Records related to amounts allocated under this chapter shall be made available to the Secretary and the Comptroller General to conduct audits.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596; Pub. L. 98-369, div. A, title X, § 1011(f), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13108	46:1480

Section 13108 sets forth the manner that the Secretary shall compute the amounts to be allocated to the States, State record requirements, and authority for the General Accounting Office to review the records when conducting audits.

AMENDMENTS

1984—Subsec. (c)(1), (2). Pub. L. 98-369 struck out "and facilities improvement" after "boating safety".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 13109. Consultation, cooperation, and regulation

(a) In carrying out responsibilities under this chapter, the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies in planning, developing, and carrying out boating safety programs. Acting under section 141 of title 14, the Secretary shall ensure the fullest cooperation between the State and United States Government authorities in promoting boating safety by making agreements and other arrangements with States when possible. Subject to chapter 23 of title 14, the Secretary may make available, on request of a State, the services of members of the Coast Guard Auxiliary to assist the State in promoting boating safety on State waters.

(c) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 597; Pub. L. 98-369, div. A, title X, § 1011(g), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13109	46:1481

Section 13109 authorizes the Secretary to consult with State and local governments, public and private agencies, and any other persons that have an interest in boating safety.

This section also authorizes the Secretary to advise and assist the States and other public and private agencies in the planning and carrying out of their boating safety and facilities improvement programs.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 struck out "and facilities improvement" after "boating safety".

Subsec. (b). Pub. L. 98-369 struck out "and facilities improvement" after "and carrying out boating safety".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 13110. National Boating Safety Advisory Council

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of not more than 21 members appointed by the Secretary, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety.

(b)(1) Insofar as practical and to ensure balanced representation, the Secretary shall appoint members equally from—

(A) State officials responsible for State boating safety programs;

(B) recreational vessel manufacturers; and

(C) boating organizations and members of the general public.

(2) Additional individuals from the sources referred to in paragraph (1) of this subsection may be appointed to panels of the Council to assist the Council in performing its duties.

(3) At least once a year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Council.

(c) In addition to the consultation required by section 4302 of this title, the Secretary shall consult with the Council on other major boating safety matters related to this chapter. The Council may make available to Congress information, advice, and recommendations that the Council is authorized to give to the Secretary.

(d) When attending meetings of the Council, a member of the Council or a panel may be paid at a rate not more than the rate for GS-18. When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service. A payment under this section does not make a member of the Council an officer or employee of the United States Government for any purpose.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 598.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13110	46:1462

Section 13110 establishes the National Boating Safety Advisory Council, the membership of the council, and compensation for individuals serving on the council. This council is to be established consistent with the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App.).

REFERENCES IN TEXT

GS-18, referred to in subsec. (d), is contained in the General Schedule set out under section 5332 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4302 of this title.

[PART J—RESERVED FOR MEASUREMENT OF VESSELS]

[illegible]

§ 13108. Consultation, cooperation, and reporting

(a) In carrying out the responsibilities under this chapter, the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating safety.

[illegible]

§ 13110. National Boating Safety Advisory Council

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of not more than 21 members appointed by the Secretary [illegible] boating safety.

(b) Insofar as practical and to ensure a balanced representation, the Secretary shall appoint members equally from—

(1) State officials responsible for State boating safety programs;

(2) [illegible]; and

(3) [illegible] organizations and members of the general public.

(c) [illegible] individuals [illegible] may be appointed [illegible] of the Council to assist the Council in performing its duties.

(d) At least once a year, the Secretary shall publish a notice in the Federal Register [illegible] for membership on the Council.

TITLE 46, APPENDIX—SHIPPING

This Appendix consists of sections of former Title 46 that were not included in Title 46 as enacted by Pub. L. 98-89, and certain laws related to shipping that were enacted after Pub. L. 98-89. Sections from former Title 46 retain the same section numbers in this Appendix. For disposition of all sections of former Title 46, see Table at beginning of Title 46, Shipping.

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CROSS REFERENCES

See, also, Title 33, Navigation and Navigable Waters.

Arbitration of controversies arising out of maritime transactions, see Title 9, Arbitration.

APPENDIX REFERRED TO IN OTHER SECTIONS

This appendix is referred to in title 42 section 9607.

CHAPTER 1—ADMINISTRATION OF SHIPPING LAWS

Sec.
3. Measurement and numbering; tonnage tax.
9. Delegation of classification functions.
  (a),(b) Repealed.
  (c) Report on delegation of classification functions.
  (d) Repealed.

WAIVER OF COMPLIANCE WITH NAVIGATION AND INSPECTION LAWS; TERMINATION DATE

Act Dec. 27, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120, provided that: "The head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

"SEC. 2. The authority granted by this Act shall terminate at such time as the Congress by concurrent resolution or the President may designate."

Similar provisions were contained in acts Mar. 31, 1947, ch. 27, 61 Stat. 33; July 31, 1947, ch. 408, 61 Stat. 685; Feb. 27, 1948, ch. 78, § 2, 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, § 1, 63 Stat. 349; June 30, 1950, ch. 427, § 4, 64 Stat. 309.

TRANSFER OF FUNCTIONS RELATING TO SHIPPING AND NAVIGATION

The Bureau of Navigation was created by act July 5, 1884. By act June 30, 1932, it was consolidated with the Steamboat Inspection Service to form a new bureau to be known as the Bureau of Navigation and Steamboat Inspection, which name was changed to Bureau of Marine Inspection and Navigation by act May 27, 1936. The "Director" of the Bureau of Marine Inspection and Navigation was the designation given to the chief of the bureau by the Secretary of Commerce under act June 30, 1932, § 502(b). The Bureau and the office of its Director were abolished by Reorg. Plan No. 3 of 1946, § 104, set out below.

Reorg. Plan No. 3 of 1946, §§ 101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, provided:

"SECTION 101. FUNCTIONS TRANSFERRED TO THE UNITED STATES COAST GUARD.—(a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews, control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended.

"(b) The functions relating to the award of numbers to undocumented vessels vested by law in the collectors of customs are hereby transferred to the Commandant of the Coast Guard.

"SEC. 102. FUNCTIONS TRANSFERRED TO BUREAU OF CUSTOMS.—There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F.R. 1609); and the power to remit and mitigate fines, penalties, and forfeitures incurred under the laws governing these functions.

"SEC. 103. POWERS OF THE SECRETARY OF THE TREASURY.—The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

"SEC. 104. ABOLITION OF AGENCIES.—The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the board of supervising inspectors, the boards of local inspectors, the marine casualty investigation board, and the marine boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein."

This Reorganization Plan continued on a permanent basis the temporary transfer of functions made during World War II by Ex. Ord. No. 9083, §§ 1 to 4, eff. Feb. 28, 1942, 7 F.R. 1609, formerly set out under section 601 of Title 50, Appendix, War and National Defense.

By Coast Guard General Order 2-46, July 16, 1946, 11 F.R. 7775, and Treas. Dept. Reg. 51491, July 16, 1946, 11 F.R. 7766, the Commandant of the Coast Guard and The Commissioner of Customs each provided that all orders, rules, regulations, permits or other privileges made, issued or granted in respect of all functions transferred to him by Reorg. Plan No. 3 of 1946, §§ 101-104, and in effect at the time of such transfer should continue in effect to the same extent as if such transfer had not occurred.

On the basis of 33 C.F.R. ch. I, and 46 C.F.R. ch. I, the Commandant of the Coast Guard appears to have assigned the functions transferred to him as follows:

Functions formerly performed by:	*Now assigned to:*
Bureau of Marine Inspection and Navigation and its Director	Commandant of the Coast Guard
Board of Supervising Inspectors	Commandant of the Coast Guard
Supervising Inspector	Coast Guard District Commander
Board of Local Inspectors	Officer in Charge, Marine Inspection
Inspectors and Assistant Inspectors	Marine Inspectors (or "inspectors")

For investigation of Marine casualties and suspension and revocation of licenses and certificates, formerly performed by the Marine Casualty Investigation Board and Marine Boards, see note set out under section 239 of this title.

Memoranda of the Chief Counsel of the Coast Guard, July 7, 1947, Chief Counsel of the Bureau of Customs, July 14, 1947, and Chief Counsel of the Treasury, July 21, 1947, concurred in the view that the duties of collectors of customs were not affected by Reorg. Plan No. 3 of 1946, with the exception of those duties specified in section 101(b) of the Plan.

CERTAIN FUNCTIONS FORMERLY PERFORMED BY BUREAU OF CUSTOMS

The following is a statement relating to the transfer of certain functions from the Commissioner of Customs to the Commandant of the Coast Guard, appearing in 32 F.R. 7408, 7409, May 18, 1967:

On April 28, 1967, a memorandum of agreement was signed by the Commandant of the Coast Guard and the Commissioner of Customs which provided that—

1. Treasury Department Order No. 167-81 transferred from the Commissioner of Customs to the Commandant, U.S. Coast Guard, the functions pertaining to the admeasurement of vessels, the documentation of vessels, the publication of merchant vessel registers, the registration of stack insignia, and shoreside port security. Because of the transfer of the Coast Guard from the Treasury Department to the Department of Transportation and because of continuing efforts to reorganize and modernize the shipping laws of the United States now assembled in title 46, U.S. Code, with a view toward eventual codification, it is recognized that the laws and provisions of law that relate to the transferred functions should be identified.

2. It is therefore agreed that—

a. The following sections of the U.S. Code, 1964 edition, relate entirely to the transferred functions:

Title	Chapter	Sections
46	1	2 (nothing in this section is considered vital or necessary to the authority to perform the functions pertaining to entry and clearance of vessels, collection of tonnage tax, or enforcement of the coastwise laws generally).
	2	12, 14-41, 43-56, 58, 61-63, 71, 72, 74, 75, 77, 81-83k.
	3	103, 105, 109.
	6	151-157, 159, 160.
	11	227, 236-238.
	12	252-255, 258-260, 263-265, 267-272, 275, 276, 279, 334.
	13	351-353.
	15	496.
	25	921-927, 941, 981-984.
	26	1011-1014.

b. Parts of the following sections of the U.S. Code, 1964 edition, relate to the transferred functions as indicated:

Title	Chapter	Sections
46	1	3 (except as it relates to tonnage tax). 4 (first two sentences).
	6	158 (second sentence).
	12	262 (second sentence).
	12	320 (as it relates to sections 45 and 77). 321 (as it relates to sections 252-255, 258, 259, 262-273, 275-277 279 and 280). 322 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 323 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 324 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 326 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 328 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 331 (as it relates to measurement of tonnage, issuance or granting of certificates of registry, records or enrollments, recording of bills of sale, mortgages, hypothecations or conveyances, and the furnishing of certificates of title). 333 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 335 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 336 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
	24	881 (the second proviso).
	25	911(1), (2), (3), and (5).

c. The following sections and parts of sections of the U.S. Code 1964 edition, relate to functions transferred and to functions retained by Customs:

Title	Chapter	Sections
19	3	261, 267.
	4	1451, 1524.
46	1	7, 4 (last sentence) 8.
	2	11, 13, 59, 60.
	6	158 (the second paragraph), 161, 162.
	11	221.
	12	251(a) (the first sentence), 266, 277, 278, 280, 292, 319, 325, 327, 332.
	14	404a.
	24	883 (the first and second provisos) 883a, 883b, 883-1.

d. The following sections of the U.S. Code, 1964 edition, relate to functions transferred and to functions administered under the Secretary of Commerce:

Title	Chapter	Sections
46	23	838, 840. 911(4) (pending transfer to the Department of Transportation under the provisions of Reorganization Plan No. 1-67).
50	12	198(a).

e. The following sections of the U.S. Code, 1964 edition, relate to functions transferred, to functions retained by Customs, and to functions administered under the Secretary of Commerce.

Title	Chapter	Sections
46	23	801, 802, 803, 808.

3. The identification of statutes set forth above is for the information and guidance of the public. Nothing therein shall be deemed to have the effect of amending in any respect the provisions of Treasury Department Order No. 167-81 or the functions of any agency thereunder.

TRANSFER OF FUNCTIONS TO SECRETARY OF THE TREASURY

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

On July 31, 1950, the Secretary of the Treasury issued Treasury Department Order No. 120 directing that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform prior to the effective date of Reorganization Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, and stipulating that authorized regulations and procedures in effect immediately prior to the effective date of the Plan should continue in effect until changed by appropriate authority.

§ 3. Measurement and numbering; tonnage tax

The Commissioner of Customs shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final.

(July 5, 1884, ch. 221, § 3, 23 Stat. 119; June 30, 1932, ch. 314, §§ 501, 502(b), 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Director of the Bureau of Marine Inspection and Navigation" on authority of Reorg. Plan No. 3 of 1946,

§§ 101-104, set out as a note preceding section 3 of this Appendix.

"Commissioner of Navigation" was changed to "Director, Bureau of Navigation and Steamboat Inspection", and then to "Director of the Bureau of Marine Inspection and Navigation" by acts June 30, 1932 and May 27, 1936. See note set out preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Measurement of vessels, see section 71 et. seq. of this Appendix.

§ 9. Delegation of classification functions

(a), (b) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600

(c) Report on delegation of classification functions

The Secretary of the department in which the Coast Guard is operating shall report to the Congress on the implementation of subsections (a) and (b) of this section within 6 months of December 29, 1981, and annually thereafter for 3 years. Such report shall include the views of the affected industry on the implementation of those subsections.

(d) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600

(July 5, 1884, ch. 221, § 8, as added Dec. 29, 1981, Pub. L. 97-136, § 9, 95 Stat. 1706, and amended Oct. 15, 1982, Pub. L. 97-322, title I, § 109, 96 Stat. 1584; Aug. 26, 1983, Pub. L. 98-89, § 4(b), 97 Stat. 600.)

AMENDMENTS

1983—Subsecs. (a), (b), (d). Pub. L. 98-89 struck out subsecs. (a), (b), and (d). See section 3316 of Title 46, Shipping.

1982—Subsec. (d). Pub. L. 97-322 added subsec. (d).

CHAPTER 2—DOCUMENTATION, RECORDING, AND MEASUREMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
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41. Failure to report sale to foreigners.
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71. Measurement of vessels.
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83. Gross and net tonnage measurements; definitions.
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83b. Description, location and dimensions of tonnage mark.
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83f. Measurement certificates and marine documents reciting tonnages.
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83h. Regulations.
83i. Penalty for false statements.
83j. Penalty for failure to display tonnage mark.
83k. Remission of penalties.

CROSS REFERENCES

Corporation meeting certain conditions deemed citizen for purposes of the laws relating to documentation of vessels, see section 883-1 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 13. Foreign-built vessels admitted to American registry; coastwise trade

All foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States on June 5, 1920, when sold and owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue in such ownership, subject to the rules and regulations of such trade.

(June 5, 1920, ch. 250, § 22, 41 Stat. 997.)

CODIFICATION

Portions of the original text of this section omitted here repealed act Oct. 6, 1917, ch. 88, 40 Stat. 392, authorizing the United States Shipping Board to permit vessels of foreign registry and foreign built vessels admitted to American registry to engage in the coastwise trade during the war and for 120 days thereafter and to issue permits up to Feb. 1, 1922, for the carrying of passengers in foreign ships between Hawaii and the Pacific Coast.

CROSS REFERENCES

Transportation of merchandise between points in United States in other than domestic-built and documented vessels, see section 883 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 883 of this Appendix.

§ 14. Wrecked vessels

The Commissioner of Customs may issue a register or enrollment for any vessel wrecked on the coasts of the United States or her possessions or adjacent waters, when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Commissioner, if he deems it necessary, through a board of three appraisers appointed by him, that the said repairs put upon such vessels[1] are equal to three times the appraised salved value of the vessel: *Provided*, That the expense of the appraisal provided for shall be borne by the owner of the vessel: *Provided further*, That if any of the material matters of fact sworn to or represented by the owner, or at his instance, to obtain the register of any vessel are not true, there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof.

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[1] So in original. Probably should be "vessel".

(R.S. § 4136; Feb. 24, 1915, ch. 57, 38 Stat. 812; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 4136 derived from acts Dec. 23, 1852, ch. 4, 10 Stat. 149; July 23, 1866, ch. 213, 14 Stat. 212.

R.S. § 4136 was repealed by act Feb. 22, 1906, ch. 500, 34 Stat. 17, and was reenacted and revised by act Feb. 24, 1915.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 12106, 12107, 12108.

§ 41. Failure to report sale to foreigners

If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

(R.S. § 4172.)

CODIFICATION

R.S. § 4172 derived from act Dec. 31, 1792, ch. 1, § 16, 1 Stat. 295.

CROSS REFERENCES

Forfeiture for chartering, selling, transferring, or mortgaging to noncitizen of United States or placing under foreign registry or flag, see section 808 of this Appendix.

§ 42. Oath on entry as to ownership

Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

(R.S. § 4173.)

CODIFICATION

R.S. § 4173 derived from act Dec. 31, 1792, ch. 1, § 17, 1 Stat. 295.

§ 57. Production of certificate on entry

The master or other person having the command or charge of any vessel, recorded in pursuance of title 48 of the Revised Statutes, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

(R.S. § 4184.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, consists of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

CODIFICATION

R.S. § 4184 derived from act Dec. 31, 1792, ch. 1, § 24, 1 Stat. 297.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 59. Penalty for neglect by officers

If any person authorized and required by title 48 of the Revised Statutes to perform, as an officer, any act or thing, willfully neglects to do or perform the same according to the true intent and meaning of title 48 of the Revised Statutes, he shall, if not subject to the penalty and disqualification prescribed in section 4187 of the Revised Statutes, be punishable by a fine of $500 for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

(R.S. § 4188.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, consists of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

Section 4187 of the Revised Statutes, referred to in text, was classified to section 58 of former Title 46, Shipping, and was repealed by Pub. L. 96-594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459.

CODIFICATION

R.S. § 4188 derived from act Dec. 31, 1792, ch. 1, § 26, 1 Stat. 298.

SUBCHAPTER III—MEASUREMENT

§ 71. Measurement of vessels

(a) Mandatory requirement; timeframe

Before a vessel is documented or recorded under the laws of the United States, or where the application of a law of the United States to a vessel is determined by its tonnage, the vessel shall be measured by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.

(b) Statutory provisions applicable

A vessel required to be measured under subsection (a) of this section, other than a vessel used exclusively for pleasure, shall be measured as prescribed in sections 75 and 77 of this Appendix, and to the extent applicable, as prescribed in sections 83 to 83k of this Appendix; if—

(1) it engages or intends to engage in an international voyage by sea; or

(2) it is at least twenty-four meters in length and is self-propelled.

(c) Voluntary measurement; determinations of gross and net tonnages

A vessel not required to be measured under subsection (b) of this section may be so measured if requested by its owner. A vessel not measured under subsection (b) of this section shall be assigned gross and net tonnages by the Secretary which are functions of its length, breadth, depth, and other dimensions, including appropriate coefficients. The Secretary shall prescribe the manner in which dimensions are measured and which coefficients are appropriate. The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessels measured, and the resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subsection (b) of this section. In accordance with regulations issued under this subsection, the Secretary may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

(d) Remeasurement

A vessel shall be remeasured if—

(1) the vessel is altered or the use of its space is changed so that its gross or net tonnage is affected;

(2) having been measured under subsection (c) of this section, the vessel becomes, by use or alteration, subject to subsection (b) of this section; or

(3) having been measured under subsection (b) of this section and not required to be so measured, the owner requests that the vessel be measured under subsection (c) of this section.

Except as provided in this subsection, a vessel that has been measured is not required to be remeasured to obtain another document.

(e) Regulations

The Secretary shall make such regulations as may be necessary to carry out the provisions of this section and sections 72, 74, 75, and 77 of this Appendix.

(R.S. 4148; Pub. L. 89-476, § 1, June 29, 1966, 80 Stat. 229; Pub. L. 96-594, title II, § 202, Dec. 24, 1980, 94 Stat. 3461.)

REFERENCES IN TEXT

Section 74 of this Appendix, referred to in subsec. (e), was repealed by Pub. L. 96-594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459.

Section 75 of this Appendix, referred to in subsecs. (b) and (e), was omitted from the Code.

CODIFICATION

R.S. § 4148 derived from acts Dec. 31, 1792, ch. 1, § 6, 1 Stat. 290; May 6, 1864, ch. 83, § 1, 13 Stat. 69.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-594 substituted provisions relating to mandatory measurement requirement by the Secretary of the department in which the Coast Guard is operating for provisions relating to admeasurement by the Secretary of the Treasury.

Subsec. (b). Pub. L. 96-594 substituted provisions setting forth statutory provisions applicable to measurement for provisions relating to admeasurement of pleasure vessels and determination of gross and net tonnages.

Subsec. (c). Pub. L. 96-594 substituted provisions relating to voluntary measurement and determinations of gross and net tonnages for provisions relating to admeasurement of vessels not documented for use exclusively as pleasure vessels.

Subsec. (d). Pub. L. 96-594 substituted provisions relating to remeasurement of vessels for provisions relating to readmeasurement involving changes in tonnage.

Subsec. (e). Pub. L. 96-594 substituted provisions relating to regulations implementing measurement requirements for provisions relating to optional redetermination of vessels previously admeasured.

Subsec. (f). Pub. L. 96-594 struck out subsec. (f), which related to promulgation of implementing measurement regulations. See subsec. (e) of this section.

1966—Subsec. (a). Pub. L. 89-476 denominated existing provisions as subsec. (a) and, as so denominated, charged the Secretary of the Treasury with the responsibility for the admeasurement of vessels, inserted reference to mandatory readmeasurement under subsec. (c) and optional readmeasurement under subsec. (b) and struck out provisions excusing measurement of United States vessels previously registered unless the vessel has undergone some alteration as to her burden subsequent to the time of her former registry. See subsec. (d) of this section.

Subsecs. (b) to (f). Pub. L. 89-476 added subsecs. (b) to (f).

EFFECTIVE DATE OF 1980 AMENDMENT

Section 204 of title II of Pub. L. 96-594 provided that: "The provisions of this title [amending this section and enacting provisions set out as notes under this section] shall take effect on the first day of the twelfth month following the month in which enacted [December 1980]."

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3 of Pub. L. 89-476 provided that: "This Act [amending sections 71 and 77 of this Appendix and repealing sections 73, 76, 78, 79, and 273 of former Title 46, Shipping] shall take effect upon the expiration of ninety days after the date of its enactment [June 29, 1966]."

SHORT TITLE OF 1980 AMENDMENT

Section 201 of title II of Pub. L. 96-594 provided that: "This Act [probably should be 'this title', which amended this section and enacted provisions set out as notes under this section] may be cited as the 'Tonnage Measurement Simplification Act'."

APPLICABILITY OF TONNAGE MEASUREMENT SIMPLIFICATION PROVISIONS

Section 203 of title II of Pub. L. 96-594 provided that: "A vessel measured prior to the effective date of this title [see Effective Date of 1980 Amendment note above] under sections 4151 and 4153 of the Revised Statutes of the United States, as amended [sections 75 and 77 of this Appendix], is considered as having been measured under section 4148(b) of the Revised Statutes of the United States, as amended by this Act [subsec. (b) of this section]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 83a of this Appendix.

§ 72. Evidence of admeasurement

The Secretary of the Treasury shall prescribe how evidence of admeasurement shall be given.

(R.S. 4149; Pub. L. 89-219, § 9, Sept. 29, 1965, 79 Stat. 892.)

CODIFICATION

R.S. § 4149 derived from act Dec. 31, 1792, ch. 1, § 6, 1 Stat. 290.

AMENDMENTS

1965—Pub. L. 89-219 substituted provisions authorizing the Secretary of the Treasury to prescribe how evidence of admeasurement shall be given, for provisions which authorized the officer or person by whom a measurement is made to grant a certificate of particulars as to the vessel measured, specified in detail the contents of such certificate, and required the owner, master, or agent of such vessel to countersign the certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 71 of this Appendix.

§ 75. Omitted

CODIFICATION

Section, R.S. 4151, provided that section 74 of former Title 46, Shipping, which was repealed by Pub. L. 96-594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459, shall not require any part of a vessel to be measured or registered for tonnage that is used for cabins or staterooms, and constructed entirely above the first deck, which is not a deck to the hull.

§ 77. Tonnage

The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage deck. All measurements are to be taken in feet and decimal fractions of feet.

The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

TABLE OF CLASSES

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length, according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber strake, after deducting the average thickness of the ceiling, which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the products shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four and five, multiply the second, and every even-numbered area by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper deck, or the spar deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage decks, ascertained as aforesaid.

If a vessel has a third deck, or spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth of the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths, multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from the upper edge of such strake at each division of the length.

From the gross tonnage of every vessel of the United States there shall be deducted—

(a) The tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel. Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water; and failure to comply with this provision shall subject the owner to a penalty of $500. Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of 50 cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place after complaint has been made to him by any two or more of the seamen so lodged. No deduction from tonnage as aforesaid shall be made unless there is permanently cut in a beam and over the doorway of every such place the number of men it is allowed to accommodate with these words, "Certified to accommodate seamen."

(b) Any space exclusively for the use of the master certified by the collector to be reasonable in extent and properly constructed, and the words "Certified for the accommodation of master" to be permanently cut in a beam and over the door of such space.

(c) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation and boatswain's stores, and the words "Certified for steering gear", or "Certified for boatswain's stores", or "Certified chart house", as the case may be, to be permanently cut in the beam and over the doorway of each of such spaces.

(d) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(e) Space occupied by machinery used exclusively to separate, clarify, purify, or process, a ship's own slop oil mixture, tank-cleaning residue, bilge residue, or other waste materials, including sewage garbage, galley wastes, or trash and space occupied by any tank, tanks, or collection area used exclusively for the carriage or collection of such slop oil mixture, tank-cleaning residue, or other waste materials, but not to exceed a maximum space deduction established by regulations hereunder. The Secretary of the department in which the Coast Guard is operating in consultation with the Administrator of the Environmental Protection Agency, shall issue regulations to define the slop oil mixtures, cleaning residue, and waste materials, establish the maximum deductions which may be made, define the manner in which the spaces shall be used and marked, and as necessary otherwise to carry out the provisions of this paragraph.

(f) In the case of a ship propelled wholly by sails any space, not exceeding 2½ per centum of the gross tonnage, used exclusively for storage of sails: *Provided*, That spaces deducted shall be certified by the collector to be reasonable in extent and properly and efficiently constructed for the purposes for which they are intended, and the words "Certified for storage of sails" to be cut on the beam and over the doorway of such space.

(g) In the case of a vessel which is screw propelled in whole or in part, the following deduction shall be made for the space occupied by the propelling machinery:

(1) Thirty-two thirteenths times the tonnage of the propelling-machinery space, if the tonnage of that space is not more than 13 per centum of the gross tonnage of the vessel and if that space is reasonable in extent: *Provided, however*, That, in lieu thereof, the deduction shall be one and three-fourths times the tonnage of the propelling-machinery space, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects;

(2) Thirty-two per centum of the gross tonnage of the vessel, if the tonnage of the propelling-machinery space is more than 13 per centum and less than 20 per centum of the gross tonnage of the vessel; or

(3) Thirty-two per centum of the gross tonnage of the vessel or one and three-fourths times the tonnage of the propelling-machinery space, whichever the owner of the vessel elects, if the tonnage of that space is 20 per centum or more of the gross tonnage of the vessel.

(h) In the case of a vessel which is propelled in whole or in part by paddle wheels, the following deduction shall be made for the space occupied by the propelling machinery:

(1) Thirty-seven twentieths times the tonnage of the propelling-machinery space, if the tonnage of that space is not more than 20 per centum of the gross tonnage of the vessel and if that space is reasonable in extent: *Provided, however*, That, in lieu thereof, the deduction shall be one and one-half times the tonnage of the propelling-machinery space, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects;

(2) Thirty-seven per centum of the gross tonnage of the vessel, if the tonnage of the propelling-machinery space is more than 20 per centum and less than 30 per centum of the gross tonnage of the vessel; or

(3) Thirty-seven per centum of the gross tonnage of the vessel or one and one-half times the tonnage of the propelling-machinery space, whichever the owner elects, if the tonnage of that space is 30 per centum or more of the gross tonnage of the vessel.

(i) If there be a break, a poop, or any other permanent closed-in space on the upper deck available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained and added to the gross tonnage: *Provided*, That nothing shall be added to the gross tonnage for any sheltered space above the upper deck which is under cover and open to the weather; that is, not inclosed.

The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the gross tonnage and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways.

(j) On a request in writing to the Commissioner of Customs by the owners of a ship the tonnage of such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air and not required to be added to gross tonnage shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling power, be added to the tonnage of the engine space; but it shall then be included in the gross tonnage; such space or spaces must be reasonable in extent, safe, and seaworthy, and can not be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered; but the same may be added to the outstanding document or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.

In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by the collector to be not available for the carriage of cargo, stores, or fuel, then the depth of the vessel shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber. From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel.

Upon application by the owner or master of an American vessel in foreign trade, collectors of customs, under regulations to be approved by the Commissioner of Customs, are authorized to attach to the register of such vessel an appendix stating separately, for use in foreign ports, the measurements of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States.

In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued such vessel shall be subject to a fine of $30 on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked.

(R.S. § 4153; Aug. 5, 1882, ch. 398, § 1, 22 Stat. 300; June 19, 1886, ch. 421, § 5, 24 Stat. 81; Mar. 2, 1895, ch. 173, § 1, 28 Stat. 741; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Feb. 6, 1909, ch. 82, §§ 1, 2, 35 Stat. 613; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 30, 1932, ch. 314, §§ 501, 502(b), 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 4, 1956, ch. 352, §§ 1, 2, 70 Stat. 227; Aug. 14, 1958, Pub. L. 85-654, 72 Stat. 611; Sept. 29, 1965, Pub. L. 89-219, § 11, 79 Stat. 892; June 26, 1966, Pub. L. 89-476, § 2(b), 80 Stat. 230; Dec. 18, 1974, Pub. L. 93-524, §§ 1, 2, 88 Stat. 1694.)

CODIFICATION

The section, as enacted in the Revised Statutes, contained all the provisions preceding the paragraph beginning "From the gross tonnage of every vessel of the United States there shall be deducted," etc., and in addition thereto the following paragraph:

"The register of the vessel shall express the number of decks, the tonnage under the tonnage deck, that of the between decks, above the tonnage deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States."

The amendment of the section by act Aug. 5, 1882, consisted in inserting, before the paragraph above quoted, the following:

"That from the gross tonnage of every vessel of the United States there shall be deducted the tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel, but the deduction for crew-space shall not, in any case, exceed five per centum of the gross tonnage. And in every such vessel propelled by steam or other power requiring engineroom there shall also be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the shaft trunk or alley in screw-steamers, with the addition in the case of vessels propelled with paddle-wheels of fifty per centum, and in the case of vessels propelled by screws of seventy-five per centum of the tonnage of such space, but in no case shall the deductions from the gross tonnage exceed fifty per centum of such tonnage; and the proper deductions from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels. That the register or other official certificate of the tonnage or nationality of a vessel of the United States in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel. But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered, but the same may be added to the outstanding document, or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended."

The amendment by act June 19, 1886, consisted in striking out from the paragraph first quoted the last sentence thereof, and substituting therefor the following: "In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued, such vessel shall be subject to a fine of thirty dollars on every arrival in a port of the United States if she have not her net tonnage number legally carved or permanently marked."

The amendment by act Mar. 2, 1895, consisted in amending the section, as amended by act Aug. 5, 1882, ch. 398, § 1, to read substantially as set forth here, beginning with the words, "That from the gross tonnage of every vessel of the United States there shall be deducted," etc., and ending with the words, "as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States," with the exception of the clause appearing in the text after paragraph (i), beginning with the words, "The cubical contents of the hatchway shall be obtained by multiplying the length and breadth together," etc., which was inserted as an amendment by section 1 of act Feb. 6, 1909, and also the clause appearing in the second sentence of the third paragraph of paragraph (j) beginning with the words, "From the gross tonnage there shall be deducted any other space adapted only for water ballast," etc., which was also inserted as an amendment by section 2 of act Feb. 6, 1909.

The provisions of this section, as amended by act Mar. 2, 1895, authorizing collectors of customs to attach to the registers of American vessels in foreign trade appendices stating separately, for use in foreign ports, the measurement of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations, and are not permitted by the laws of the United States, superseded similar provisions of act Jan. 21, 1895, ch. 38, 28 Stat. 636.

R.S. § 4153 derived from act May 6, 1864, ch. 83, § 3, 13 Stat. 70, 72.

AMENDMENTS

1974—Subsec. (e). Pub. L. 93-524, § 1, added subsec. (e). Former subsec. (e) redesignated (f).

Subsecs. (f) to (j). Pub. L. 93-524, § 2, redesignated former subsecs. (e) to (i) as (f) to (j), respectively.

1966—Subsec. (i). Pub. L. 89-476 struck out provisions that the proper deduction from gross tonnage having been made, the remainder is deemed the net or register tonnage of such vessels, requiring the register or other official certificate of the tonnage or nationality of a vessel of the United States to state separately the deductions made from the gross tonnage and the net or register tonnage of the vessel, and requiring the statement, each separately, in the register of vessels of the number of decks and the tonnage under the tonnage deck, above the tonnage deck, and of the poop or other enclosed spaces above the deck.

1965—Pub. L. 89-219 inserted the provisions specifying the deck which is to be deemed the tonnage deck in vessels and requiring all measurements to be taken in feet and decimal fractions of feet.

1958—Subsec. (i). Pub. L. 85-654 inserted "(other than ballast water for use for underwater drilling, mining, and related purposes, including production)" in the fifth paragraph.

1956—Subsec. (f). Act June 4, 1956, § 1, provided deduction for screw-propelled vessels of thirty-two thirteenths times the tonnage of the propelling-machinery space where such space is not more than 13 percent of the gross tonnage, but allowing owners of vessels under construction before June 4, 1956, to elect deduction of one and three-fourths the tonnage of the propelling-machinery space, provided for a deduction of 32 percent of the gross tonnage of the vessel or one and three-fourths times the tonnage of the space where such space is 20 percent or more of the gross tonnage, and eliminated references to paddle-propelled vessels.

Subsec. (g). Act June 4, 1956, § 2, permitted deduction for paddle-propelled vessels of thirty-seven twentieths times the tonnage of the propelling-machinery space where such space is not more than 20 percent of the gross tonnage, but allowing owners of vessel under construction before June 4, 1956, to elect deduction of one and one-half times the tonnage of the propelling-machinery space, and eliminated references to screw-propelled vessels and changed language generally, for purposes of clarity.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-476 effective upon the expiration of ninety days after June 29, 1966, see section 3 of Pub. L. 89-476, set out as a note under section 71 of this Appendix.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" and for "Director of the Bureau of Marine Inspection and Navigation" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

"Commissioner of Navigation" in subpar. (j) was changed to "Director, Bureau of Navigation and Steamboat Inspection", and then to "Director of the Bureau of Marine Inspection and Navigation" by acts June 30, 1932 and May 27, 1936. See note set out preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury" in the next to the last paragraph to conform to acts Feb. 14, 1903, and Mar. 4, 1913. Act Feb. 14, 1903, transferred the duties of the Secretary of the Treasury relating to merchant vessels or yachts, their measurement, etc., to the Secretary of Commerce and Labor, and act Mar. 4, 1913, designated the Secretary of Commerce and Labor the Secretary of Commerce.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Inspection of crew quarters, see section 3308 of Title 46, Shipping.

Remission or mitigation of fines, see section 320 of this Appendix.

Space and accommodations for crew of certain vessels, see section 11101 of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83a, 320 of this Appendix.

§ 81. Measurement of foreign vessels; certificates

Whenever it is made to appear to the Commissioner of Customs that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessels to be remeasured at any port in the United States; and when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States.

(R.S. § 4154; Aug. 5, 1882, ch. 398, § 2, 22 Stat. 300; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

Section is from R.S. § 4154, as set forth in act Aug. 5, 1882, which repealed the original section 4154, and enacted the provisions therein set forth as a substitute therefor.

R.S. § 4154 derived from act Mar. 2, 1799, ch. 22, § 64, 1 Stat. 675.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury" to conform to acts Feb. 14, 1903, and Mar. 4, 1913. See Transfer of Functions note set out under section 77 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

§ 83. Gross and net tonnage measurements; definitions

As used in sections 83 to 83k of this Appendix:

(a) The term "uppermost complete deck" means the uppermost complete deck of a vessel exposed to sea and weather, which shall be deemed to be that deck which has permanent means of closing all openings in the weather portions thereof, provided that any opening in the side of the vessel below that deck, other than an opening abaft a transverse watertight bulkhead placed aft of the rudder stock, is fitted with permanent means of watertight closing.

(b) The term "second deck" means the deck next below the uppermost complete deck which is continuous in a fore-and-aft direction at least between peak bulkheads, is continuous athwartships, is fitted as an integral and permanent part of the vessel's structure, and has proper covers to all main hatchways. Interruptions in way of propelling machinery space openings, ladder and stairway openings, trunks, chain lockers, cofferdams, or steps not exceeding a total height of forty-eight inches shall not be deemed to break the continuity of the deck.

(c) The term "trunks" as used in the definition of second deck shall be deemed to refer to hatch or ventilation trunks which do not extend longitudinally completely between main transverse bulkheads.

(d) The term "Secretary" means the Secretary of the Treasury.

(Pub. L. 89–219, § 1, Sept. 29, 1965, 79 Stat. 891.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.

§ 83a. Spaces omitted from gross tonnage

In the measurement of a vessel under sections 71, 75, and 77 of this Appendix, upon application of the owner and approval by the Secretary, there shall be omitted from inclusion in the gross tonnage—

(a) those spaces available for the carriage of dry cargo or stores which are located between the uppermost complete deck and the second deck, and other spaces so located which would be omitted from gross tonnage under the provisions of section 77 of this Appendix if above the upper deck, provided that a tonnage mark is placed and displayed on the vessel in accordance with the provisions of sections 83 to 83k of this Appendix, so long as that tonnage mark is not submerged;

(b) those spaces which are located on or above the uppermost complete deck and which are available for the carriage of dry cargo or stores, without regard to whether a tonnage mark is placed or displayed on the vessel or, if placed or displayed, without regard to whether that mark is submerged; and

(c) those spaces which are located on the uppermost complete deck and which are used for cabins or staterooms, provided that a tonnage mark is placed and displayed on the vessel, so long as that tonnage mark is not submerged.

(Pub. L. 89–219, § 2, Sept. 29, 1965, 79 Stat. 891.)

REFERENCES IN TEXT

Section 75 of this Appendix, referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83b, 83d, 83f, 83g, 83h, 83i, 83j of this Appendix.

§ 83b. Description, location and dimensions of tonnage mark

The tonnage mark shall be a horizontal line, upon which shall be placed for identification an inverted equilateral triangle, with its apex on the midpoint of the line. The mark shall be placed and displayed on each side of the vessel, subject to such specifications as to location and dimensions as are prescribed in regulations issued under sections 83 to 83k of this Appendix.

(Pub. L. 89-219, § 3, Sept. 29, 1965, 79 Stat. 891.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83d, 83f, 83h, 83i, 83j of this Appendix.

§ 83c. Placement of tonnage mark above loadline

No tonnage mark shall be required to be placed or displayed above the statutory summer loadline prescribed in accordance with the applicable loadline convention, except that, when a vessel's statutory loadline is assigned on the assumption that the second deck is the freeboard deck, the tonnage mark may be permitted to be placed and displayed on a line level with the uppermost part of the loadline grid.

(Pub. L. 89-219, § 4, Sept. 29, 1965, 79 Stat. 891.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.

§ 83d. Addition of line to tonnage mark

Except when the tonnage mark is placed and displayed on the vessel at the level prescribed in section 83c of this Appendix, an additional line may be added to the tonnage mark, subject to such specifications as to location and dimensions as are prescribed in regulations issued under sections 83 to 83k of this Appendix.

(Pub. L. 89-219, § 5, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83e, 83f, 83h, 83i, 83j of this Appendix.

§ 83e. When tonnage mark deemed submerged

The tonnage mark shall be deemed to be submerged when the upper edge of the mark is under water, except that if the vessel is marked with the additional line in accordance with section 83d of this Appendix and is in fresh water or in tropical waters the tonnage mark shall not be deemed to be submerged unless the upper edge of the additional line is under water.

(Pub. L. 89-219, § 6, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.

§ 83f. Measurement certificates and marine documents reciting tonnages

In a case in which a vessel measured under sections 83 to 83k of this Appendix and other applicable statutes has a tonnage mark placed and displayed at a place other than a line level with the uppermost part of the loadline grid, any measurement certificate or marine document reciting tonnages issued to such vessel shall show the gross and net tonnages applicable when the tonnage mark is submerged and the gross and net tonnage applicable when the mark is not submerged. In any other case in which a vessel is measured under sections 83 to 83k of this Appendix and other applicable statutes, any measurement certificate or marine document reciting tonnages issued to such vessel shall show only one set of gross and net tonnages, taking into account all applicable omissions or exemptions.

(Pub. L. 89-219, § 7, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83b, 83d, 83h, 83i, 83j of this Appendix.

§ 83g. Marking line of uppermost complete deck

In a case in which an application for omission of spaces is filed under section 83a of this Appendix for a vessel for which a statutory loadline is not required and is not assigned, the line of the uppermost complete deck shall be marked in the manner specified for marking the deck line in the international loadline convention in force.

(Pub. L. 89-219, § 8, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.

§ 83h. Regulations

The Secretary shall make such regulations as may be necessary to carry out the provisions of sections 83 to 83k of this Appendix.

(Pub. L. 89-219, § 12, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83i, 83j of this Appendix.

§ 83i. Penalty for false statements

Any person who makes a false, fictitious, or fraudulent statement or representation in any matter in which such statement or representation is required to be made to the Secretary in any regulation issued under sections 83 to 83k of this Appendix shall be subject to a penalty of not more than $1,000 for each such statement or representation.

(Pub. L. 89-219, § 13, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83j of this Appendix.

§ 83j. Penalty for failure to display tonnage mark

If any tonnage mark required to be placed and displayed on a vessel in any regulation issued under sections 83 to 83k of this Appendix by the Secretary is not so placed or displayed or if the mark at any time shall cease to be continued on the vessel, such vessel shall be subject to a penalty of $30 on every subsequent arrival in a port of the United States.

(Pub. L. 89-219, § 14, Sept. 29, 1965, 79 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i of this Appendix.

§ 83k. Remission of penalties

Any penalty incurred under sections 83 to 83k of this Appendix may be remitted or mitigated by the Secretary under the provisions of section 2107(b) of title 46.

(Pub. L. 89-219, § 15, Sept. 29, 1965, 79 Stat. 893.)

REFERENCES IN TEXT

"Section 2107(b) of title 46" was substituted in text for "section 5294 of the Revised Statutes, as amended (46 U.S.C. 7)" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.

CHAPTER 2A—LOAD LINES FOR AMERICAN VESSELS

SUBCHAPTER I—LOAD LINES FOR VESSELS MAKING FOREIGN SEA VOYAGES

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SUBCHAPTER II—LOAD LINES FOR VESSELS ENGAGED IN COASTWISE TRADE

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CROSS REFERENCES

Commandant, general powers, see section 93 of Title 14, Coast Guard.

SUBCHAPTER I—LOAD LINES FOR VESSELS MAKING FOREIGN SEA VOYAGES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 30 section 1422.

§ 86. Enforcement, regulations; personnel

The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this subchapter and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the United States Customs Service to enforce this subchapter and the regulations established hereunder.

(Pub. L. 93-115, § 2, Oct. 1, 1973, 87 Stat. 418.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85a of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

CHANGE OF NAME

"United States Customs Service" was substituted for "Bureau of Customs" pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

SHORT TITLE

Section 1 of Pub. L. 93-115 provided: "That this act [enacting this subchapter and repealing sections 85 to 85g of former Title 46, Shipping] may be cited as the 'International Voyage Load Line Act of 1973'."

§ 86a. Definitions

As used in this subchapter—

(1) "new ship" means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

(2) "existing ship" means a vessel which is not a "new ship".

(Pub. L. 93-115, § 3, Oct. 1, 1973, 87 Stat. 418.)

§ 86b. Vessels subject to subchapter

(a) Federal jurisdiction

This subchapter applies to vessels which—

(1) arrive at any port or place within the jurisdiction of the United States from foreign ports;

(2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or

(3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) Excepted vessels

This subchapter does not apply to—

(1) ships of war;

(2) pleasure craft not used in trade or commerce;

(3) fishing vessels;

(4) existing ships of less than one hundred and fifty gross tons;

(5) new ships of less than seventy-nine feet in length;

(6) vessels which navigate exclusively on the Great Lakes; or

(7) vessels operating on shelter waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) Loadline vessels; surrender of loadline certificate; removal of loadline marks

A vessel which voluntarily obtains loadlines shall be treated as a vessel subject to this subchapter until its loadline certificate is surrendered and its loadline marks removed.

(d) Treaties or conventions unaffected

This subchapter does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the International Convention on Loadlines, 1966, and to which the United States has acceded.

(Pub. L. 93-115, § 4, Oct. 1, 1973, 87 Stat. 418.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85 of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

§ 86c. Determination of loadlines

(a) Minimum freeboard; criteria

The Secretary shall prescribe loadlines, the marking thereof, and associated condition surveys for vessels subject to this subchapter to indicate the minimum freeboard to which each may be safely loaded, giving due consideration to, and making differentials for the service, type, and character of each vessel, and in conformance with applicable international treaties or conventions to which the United States has acceded.

(b) Marking and maintaining loadlines; issuance of loadline certificate

Loadlines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the loadline is positioned and marked in the manner prescribed, the Secretary shall issue a loadline certificate, to the master or owner of the vessel, which shall be carried on board the vessel.

(c) Prescribed loadlines; minimum safe freeboard; greater freeboard than minimum safe freeboard

A loadline shall not be established or marked which, in the judgment of the Secretary, authorizes less than the minimum safe freeboard. At the request of the owner a loadline may be established or marked to indicate a greater freeboard than that which the Secretary determines is the minimum safe freeboard; any such loadline shall be the prescribed loadline for purposes of section 86g of this Appendix.

(Pub. L. 93-115, § 5, Oct. 1, 1973, 87 Stat. 418.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in sections 85a and 85b of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 86e, 86i of this Appendix.

§ 86d. Survey or registry of shipping

(a) Appointments for determination of condition of vessels and positioning and marking of loadlines; issuance of loadline certificate

The Secretary shall appoint the American Bureau of Shipping, or such other United States nonprofit corporations or associations for the survey or registry of shipping which he approves, to determine that a vessel's condition is satisfactory and whether its loadline is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a loadline certificate.

(b) Appointees

The Secretary may appoint for the purpose of this section:

(1) any officer of the United States, or

(2) at the request of the shipowner, any other corporation or association for the survey or registry of shipping which he approves.

(c) Revocation of appointments

The Secretary may revoke an appointment under this section at any time.

(Pub. L. 93-115, § 6, Oct. 1, 1973, 87 Stat. 419.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85b of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

§ 86e. Exemptions; certificate of exemption

When a vessel subject to this subchapter is shown to be entitled to an exemption from the provisions of this subchapter by an international agreement to which the United States has acceded, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 86c of this Appendix.

(Pub. L. 93-115, § 7, Oct. 1, 1973, 87 Stat. 419.)

§ 86f. Foreign vessels

(a) Compliance with subchapter by compliance with loadlines and markings of foreign country and issuance of foreign certificate; international agreement for control of foreign vessels

When it is found that the law and regulations in force in a foreign country relating to loadlines are equally effective as this subchapter and the regulations hereunder, or when a foreign country has acceded to an international loadline agreement to which the United States has acceded, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this subchapter and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Reciprocal loadline recognition

Subsection (a) of this section does not apply to vessels of foreign nations which do not similarly recognize the loadlines prescribed under this subchapter.

(Pub. L. 93-115, § 8, Oct. 1, 1973, 87 Stat. 419.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85d of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

§ 86g. Loading restrictions, submerging loadlines or loadline marks; recordation by masters of position of loadline marks and actual drafts

(a) No vessel subject to this subchapter may be so loaded as to submerge the prescribed loadline, or to submerge the point where an appropriate loadline under the subchapter and the prescribed regulations should be marked.

(b) The master of a vessel subject to this subchapter shall, after loading but before departing for a voyage by sea from any port or place in which this subchapter applies, record in the official logbook or other permanent record of the vessel a statement of the relative position of the prescribed loadline mark applicable at the time in question with respect to the water surface, and, of the actual draft of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

(Pub. L. 93-115, § 9, Oct. 1, 1973, 87 Stat. 419.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in sections 85c and 85e of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 86c, 86i of this Appendix.

§ 86h. Detention of vessels

(a) Reasonable belief; notice to master or officer in charge of vessel; detention order

When the Secretary has reason to believe that a vessel is about to leave a port in the United States, or its possessions in violation of this subchapter or the regulations hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance; refusal or withdrawal

Clearance required by section 91 of this Appendix shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) Petition for review; regulations

The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Administrative determination

Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review, including results of any required independent surveys he shall affirm, set aside, or modify the detention order.

(e) Liability of owner for costs

The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this subchapter or the regulations hereunder.

(Pub. L. 93-115, § 10, Oct. 1, 1973, 87 Stat. 420.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85f of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 86i of this Appendix.

§ 86i. Penalties for violations

(a) Civil liability for violations of subchapter; separate violations

Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this subchapter or the regulations thereunder, are each liable to a civil penalty of not more than $1,000 for each day the vessel is in violation.

(b) Civil liability for section 86g(a) violations

Each person, if the owner, manager, agent, or master of a vessel who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of section 86g(a) of this Appendix or the regulations thereunder, is liable to a civil penalty of not more than $1,000 plus an additional amount of not more than $500 per inch of unlawful submergence.

(c) Civil liability for section 86g(b) violations

For any violation of subsection (b) of section 86g of this Appendix or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than $500.

(d) Criminal liability for departures in violation of detention orders

Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 86h of this Appendix, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(e) Criminal liability for concealment, removal, alteration, defacement, or obliteration of vessel marks, lawful changes; wartime escape from enemy capture

Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 86c of this Appendix and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than $2,000 or imprisoned not more than two years or both.

(f) Liability of vessel

For any penalty under this section the vessel is also liable.

(g) Administrative assessment, collection, remission, mitigation, or compromise

The Secretary may assess and collect any civil penalty incurred under this subchapter and, in his discretion, remit, mitigate, or comprise any penalty prior to referral to the Attorney General.

(Pub. L. 93-115, § 11, Oct. 1, 1973, 87 Stat. 420.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in section 85g of former Title 46, Shipping, prior to repeal by Pub. L. 93-115.

SUBCHAPTER II—LOAD LINES FOR VESSELS ENGAGED IN COASTWISE TRADE

§ 88. Establishment; vessels affected; exemptions

(a) Load lines are established for merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment preceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 151 of title 33.

(b) This subchapter does not apply to—

(1) a fish tender vessel of not more than 500 gross tons—

(A) constructed, under construction, or contracted to be constructed as a vessel of this type before January 1, 1980; or

(B) converted for use as a vessel of this type before January 1, 1983; and

(2) a fish processing vessel of not more than 5,000 gross tons, except a vessel constructed after August 15, 1974, or converted for use as a vessel of this type after January 1, 1983.

(Aug. 27, 1935, ch. 747, § 1, 49 Stat. 888; July 11, 1968, Pub. L. 90-397, § 2, 82 Stat. 341; Oct. 1, 1974, Pub. L. 93-430, § 6(1), 88 Stat. 1182; July 1, 1977, Pub. L. 95-61, § 7(c), 91 Stat. 260; June 30, 1978, Pub. L. 95-308, § 6, 92 Stat. 358; Oct. 30, 1984, Pub. L. 98-557, § 32(a), 98 Stat. 2875.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-557 substituted provisions relating to nonapplicability to a fish tender vessel of not more than 500 gross tons and a fish processing vessel of not more than 5,000 gross tons, such vessels constructed, etc., after specified dates, for provisions relating to nonapplicability to cannery tender or fishery tender vessels of not more than 500 gross tons and vessels of not more than 5,000 gross tons used in the processing or assembling of fishery products, such vessels constructed, etc., after specified dates and involved in the States of Oregon, Washington, and Alaska.

1978—Subsec. (b). Pub. L. 95-308 substituted "The requirements of this subchapter shall not apply to (1) all" for "All", and "which were constructed, or with respect to which construction was begun or contracted for, before January 1, 1980, or which were converted to such use, or with respect to which conversion to such use was begun or contracted for, before January 1, 1980, so long as such conversion was completed before January 1, 1983 (in the case of conversions); or (2)" for "except those constructed after July 11, 1968, or those converted to either of such services after five years from July 11, 1968, and", and struck out ", are exempt from the requirements of this subchapter" after "after January 1, 1983".

1977—Subsec. (b). Pub. L. 95-61 substituted "January 1, 1983" for "July 11, 1978".

1974—Subsec. (b). Pub. L. 93-430 added vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, except those constructed after Aug. 15, 1974, or those converted to any of such services after July 11, 1978, to the exception clause.

1968—Pub. L. 90-397 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 88b, 88g, 420 of this Appendix.

§ 88a. Load lines and marks indicating maximum depth of safe loading

(a) Promulgation of regulations

For vessels to which this subchapter applies, the Secretary of the department in which the

Coast Guard is operating shall establish by regulation load lines and marks indicating the maximum depth to which these vessels may be loaded safely.

(b) Criteria for regulations

In prescribing regulations under this subchapter, the Secretary shall consider the age, condition, character, design, and construction of a vessel to which this subchapter applies, including subdivision and stability characteristics.

(c) Applicability to Great Lakes; exceptions

This subchapter applies to the Great Lakes, except that the Secretary may establish special operating regulations for barges operating close to shore between Calumet Harbor, Illinois, and Burns Harbor, Indiana, that exempt these barges from the load line and marking requirements of this section.

(d) Load lines above actual line of safety

The Secretary may not establish on any vessel a load line that is above the actual line of safety.

(Aug. 27, 1935, ch. 747, § 2, 49 Stat. 888; June 20, 1936, ch. 626, 49 Stat. 1543; July 3, 1941, ch. 276, 55 Stat. 578; Aug. 31, 1962, Pub. L. 87-620, § 2(1), 76 Stat. 416; Oct. 30, 1984, Pub. L. 98-557, § 32(b), 98 Stat. 2875.)

AMENDMENTS

1984—Pub. L. 98-557 substituted provisions relating to load lines and marks indicating the maximum depth to which such vessels may be safely loaded, promulgation of regulations, applicability, and limitations, for provisions relating to load water lines and marks indicating the maximum depth to which such vessels may be safely loaded, promulgation and criteria for regulations, applicability, and limitations.

1962—Pub. L. 87-620 substituted provisions directing the Secretary of the department in which the Coast Guard is operating to establish load water lines, for provisions directing the Commandant of the Coast Guard to establish load water lines, and provisions that no load-line shall be established which the Secretary judges to be above the actual line of safety, for provisions vesting the Commandant of the Coast Guard with discretion to vary the load-lines from those established by the International Treaty on Load Lines of 1930, with respect to vessels on the Great Lakes, and to steam colliers, tugs, barges, and self-propelled barges in special service on inter-island voyages and on coastwise voyages from port to port in the continental United States, when he believes such changes will not be above the actual line of safety, and eliminated provisions forbidding load-lines giving a lesser freeboard and less buoyance than those established by the International Treaty on Load Lines of 1930.

1936—Act June 20, 1936, required consideration to be given and differentials to be made for the age and condition of passenger vessel, its subdivision and efficacy, and its stability if damaged, in establishing such vessel's loadwater line and to insert in the second proviso the words "and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States".

§ 88b. Marking lines on vessels; approval of marks; certificate

It shall be the duty of the owner and of the master of every vessel subject to this subchapter and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Commandant of the Coast Guard shall direct, and to keep the same so marked. The Commandant of the Coast Guard shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this subchapter and of the regulations established thereunder: *Provided, however,* That, at the request of the shipowner, the Commandant of the Coast Guard may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Commandant of the Coast Guard may approve; or the Commandant of the Coast Guard may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Commandant of the Coast Guard. The Commandant of the Coast Guard may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Commandant of the Coast Guard, that the same are in accordance with the provisions of this subchapter and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this subchapter and to said regulations to depart from any port or place designated in section 88 of this Appendix without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

(Aug. 27, 1935, ch. 747, § 3, 49 Stat. 888; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" was substituted for "Secretary of Commerce" on authority of Reorg.

Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 88c, 88f of this Appendix.

§ 88c. Vessels so loaded as not to submerge lines or marks

It shall be unlawful for any vessel subject to this subchapter and to the regulations established thereunder to be so loaded as to submerge the load line or lines marked pursuant to section 88b of this Appendix and to the regulations established thereunder applicable to her voyage; or to be so loaded as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this subchapter and of the regulations established thereunder; or to be so loaded as in any manner to violate the said regulations.

(Aug. 27, 1935, ch. 747, § 4, 49 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 88f, 88g of this Appendix.

§ 88d. Foreign vessels; application of this subchapter

Whenever the Commandant of the Coast Guard shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this subchapter, the Commandant of the Coast Guard may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this subchapter, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this subchapter and the regulations made thereunder.

(Aug. 27, 1935, ch. 747, § 5, 49 Stat. 889; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 88e, 88f, 88g of this Appendix.

§ 88e. Recordation by masters of positions of load line and actual drafts

It shall be the duty of the master of every vessel subject to this subchapter and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 88d of this Appendix, before departing from her loading port or place to provide a ship's record or log book and enter therein a statement of the position of the load line marked applicable to the voyage in question and the actual drafts forward and aft at the time of departing as nearly as the said drafts can be ascertained.

(Aug. 27, 1935, ch. 747, § 6, 49 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 88g of this Appendix.

§ 88f. Detention of vessels loaded in violation of this subchapter

If any collector of customs or Coast Guard district commander has reason to believe on complaint or otherwise that a vessel subject to the provisions of this subchapter is about to proceed on a voyage from a port in the United States or its possessions within his district without conforming to the provisions of section 88b of this Appendix, or when loaded in violation of section 88c of this Appendix, or that any vessel exempted pursuant to section 88d of this Appendix is about to proceed on a voyage from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may serve on the master or officer in charge of such vessel a written order detaining the vessel for the purpose of being surveyed to determine whether or not the provisions of this subchapter are complied with. Where the detention is on the ground that the vessel does not conform to the provisions of section 88b of this Appendix, the collector or Coast Guard district commander shall cause an examination of the vessel to be made, and if from such examination it appears that the vessel is not marked with the load line established in conformity with the provisions of this subchapter, the collector or Coast Guard district commander shall so notify the master or officer in charge of such vessel and shall detain her until a load line shall have been duly established in accordance with section 88b of this Appendix, provided that in cases of exceptional hardship, subject to regulations issued by the Commandant of the Coast Guard, the collector or Coast Guard district commander may cause a proper load line to be provisionally established by one of the agencies or persons designated under section 88b of this Appendix, which provisional load line shall constitute a compliance with the provisions of this subchapter only until completion of the particular voyage in which the vessel is at the time engaged. After such establishment or provisional establishment of a load line the collector or Coast Guard district commander shall appoint three disinterested surveyors to examine the loading of the vessel and to report to him whether such vessel is so loaded as to submerge said provisional load line and if from such report it appears that the vessel is so loaded, the collector or Coast Guard district commander may by written order served on the master or officer in charge of said vessel detain the vessel until she has been reloaded in whole or in part so as not to submerge said provisional load line or lines. Where the detention is on the ground of a supposed violation of section 88c or section 88d of this Appendix, the collector or Coast Guard district commander shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him and if from such report it appears that the vessel is loaded in violation of the provisions of section 88c or section 88d of this Appendix, the collector or Coast Guard district commander shall so notify in writing the master or other officer in charge of such vessel and detain the vessel until she has been reloaded in whole or in part so as to conform to the provisions of section 88c or section 88d of this Appendix. If a vessel is ordered detained by a collector or Coast Guard district commander acting under the provisions of this section, the master may within five days appeal to the Commandant of the Coast Guard, who, if he so desires, may order a further survey and may affirm, set aside, or modify the order of the collector or Coast Guard district commander. Clearance shall be refused to any vessel which shall have been ordered detained. The owner and agent of a vessel surveyed and found in violation of this subchapter or regulations established thereunder shall bear the costs of the survey in addition to any penalty or fine imposed.

(Aug. 27, 1935, ch. 747, § 7, 49 Stat. 889; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Aug. 31, 1962, Pub. L. 87–620, § 2(2), 76 Stat. 416.)

AMENDMENTS

1962—Pub. L. 87–620 inserted references to the Coast Guard District Commander wherever appearing, and provided that the owner and agent of a vessel in violation of this subchapter, shall bear the costs of the survey in addition to any penalty or fine.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89–670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 88g of this Appendix.

§ 88g. Penalties for violations of this subchapter; seizure of vessels

(a) The owner and/or master of any vessel subject to this subchapter and the regulations established thereunder shall be liable to the United States in a penalty not to exceed $1,000 whenever the vessel is found operating, navigating, or otherwise in use upon the navigable waters of the United States, in violation of the provisions of this subchapter or the regulations established thereunder, or whenever the vessel, if a vessel of the United States, is found operating, navigating, or otherwise in use upon the high seas in violation of the provisions of this subchapter or the regulations established thereunder. Each day a vessel is in violation of the provisions of this subchapter shall constitute a separate offense. The Secretary of the Department in which the Coast Guard is operating may assess, collect, remit, and mitigate any penalty imposed under this subchapter.

(b) If the master of any vessel subject to this subchapter, or of any foreign vessel exempted pursuant to section 88d of this Appendix, shall fail, before departing from any port or place designated in section 88 of this Appendix, to enter in and make a part of the ship's record or log book the statement required by section 88e of this Appendix, he shall for each offense be liable to the United States in a penalty of $500.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this subchapter to depart or arrive, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this Appendix when loaded in violation of section 88c of this Appendix, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 88d of this Appendix to depart or arrive, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this Appendix when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States, in a penalty of $1,000 plus a sum computed at the rate of $500 per inch of draft in excess of the vessel's applicable load line unless the vessel's departure or arrival was, under the circumstances, reasonable and justifiable.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 88f of this Appendix, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this subchapter or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $2,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this subchapter, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

(Aug. 27, 1935, ch. 747, § 8, 49 Stat. 890; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Aug. 31, 1962, Pub. L. 87-620, § 2(3), 76 Stat. 416.)

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-620, § 2(3)(A), substituted provisions imposing liability, not to exceed $1,000, upon the owner and/or master of any vessel subject to this subchapter and to regulations thereunder, whenever the vessel is found in use upon navigable waters of the United States in violation of this subchapter, or if a vessel of the United States, is found in use upon the high seas in violation of this subchapter making each day in violation of this subchapter a separate offense, and authorizing the Secretary of the department in which the Coast Guard is operating to assess, collect, remit, and mitigate any penalty imposed, for provisions setting a $500 penalty for each offense for owners or masters of vessels subject to this subchapter, and to regulations thereunder, permitting departure from the loading port without complying with section 88b of this Appendix, or if the vessel was exempted pursuant to section 88d of this Appendix, for permitting such departure without having the load lines required by the vessel's country marked upon her, and permitting the Commandant of the Coast Guard to remit or mitigate any such penalty or discontinue prosecution on such terms as he deems proper.

Subsec. (b). Pub. L. 87-620, § 2(3)(B), increased the penalty for each offense from $100 to $500, and deleted provisions authorizing the Commandant of the Coast Guard to remit or mitigate any penalty imposed under this subsection.

Subsec. (c). Pub. L. 87-620, § 2(3)(C), increased the penalty from $500 to $1,000 plus $500 per inch of draft in excess of the vessel's applicable load line, and deleted provisions authorizing the Commandant of the Coast Guard to remit or mitigate any penalty imposed under this subsection.

Subsec. (d). Pub. L. 87-620, § 2(3)(D), increased the fine from $500 to $1,000.

Subsec. (e). Pub. L. 87-620, § 2(3)(E), increased the fine from $1,000 to $2,000.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" was substituted for "Secretary of Commerce" on authority of sections 101 to 104 of Reorg. Plan No. 3 of 1946, set out as a note preceding section 3 of this Appendix.

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 88h. Effective date

The provisions of this subchapter shall become effective as to vessels of four thousand gross tons and upwards, not later than three months, and as to all other vessels subject hereto, not later than twelve months from and after August 27, 1935.

(Aug. 27, 1935, ch. 747, § 9, 49 Stat. 891.)

§ 88i. Short title

This subchapter may be cited as the "Coastwise Load Line Act, 1935".

(Aug. 27, 1935, ch. 747, § 9, 49 Stat. 891.)

CHAPTER 3—CLEARANCE AND ENTRY

Sec.
91. Granting clearances.
91a. Performance of duties of master by licensed deck officer or purser.
93. Commercial documents relating to cargo.
  (a) Attachment to manifest; time of delivery to Customs Service.
  (b) Listed information.
  (c) Public disclosure of information.
  (d) Confidentiality of information.
  (e) Procedures for access to documents to disclose available information and to protect from disclosure information not available to the public.
94. Oath of master.
96. Form of clearance.
97. State inspection laws.
98. Conveyance of bullion, coin, notes, or bonds for United States.
100. Payment of fees on vessels outward bound.
101. Statement of consular services performed without fee filed.
102. Steamboats on Lake Champlain.
104. Reciprocal exemption of foreign yachts from charges and tonnage taxes; licenses.
110. Entry of ferryboats.
111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.
112. Passenger vessels trading between ports of United States and foreign ports.
113. Vessels making daily trips on interior waters.

CROSS REFERENCES

Provisions concerning custody and storage of vessels, vehicles, merchandise and baggage seized under laws relating to entry or clearance of vessels, see section 1605 of Title 19, Customs Duties.

§ 91. Granting clearances

The master or person having the charge or command of any vessel bound to a foreign port shall deliver to the collector of the district from which such vessel is about to depart a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port (other than a licensed yacht or an undocumented American pleasure vessel not engaged in any trade nor in any way violating the customs or navigation laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than $1,000 nor less than $500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than $5,000 nor less than $1,000 for each offense, and the vessel shall be detained in any port of the United States until the said penalty is paid or secured: *Provided*, That in order that the commerce of the United States may move with expedition and without undue delay, the Commissioner of Customs is authorized to make regulations permitting the master of any vessel taking on cargo for a foreign port or for a port in noncontiguous territory belonging to the United States to file a manifest as hereinbefore provided, and if the manifest be not a complete manifest and it so appears upon such manifest, the collector of customs may grant clearance to the vessel in the case of an incomplete manifest, taking from the owner of the vessel, who may act in the premises by a duly authorized attorney in fact, a bond with security approved by the collector of customs in the penal sum of $1,000, conditioned that the master or someone for him will file a completed outward manifest not later than the fourth business day after the clearance of the vessel. In the event that the said complete outward manifest be not filed as required by the provisions of this section and the regulations made by the Commissioner of Customs in pursuance hereof, then a penalty of $50 for each day's delinquency beyond the allowed period of four days for filing the completed manifest shall be exacted, and if the completed manifest be not filed within the three days following the four-day period, then for each succeeding day of delinquency a penalty of $100 shall be exacted. Suit may be instituted in the name of the United States against the principal and surety on the bond for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond.

(R.S. § 4197; Aug. 5, 1935, ch. 438, title II, § 209, 49 Stat. 526; June 16, 1938, ch. 476, § 1, 52 Stat. 758; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Sept. 1, 1954, ch. 1213, title V, § 501(a), 68 Stat. 1140.)

REFERENCES IN TEXT

The customs laws of the United States, referred to in text, are classified generally to Title 19, Customs Duties.

The navigation laws of the United States, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

CODIFICATION

R.S. § 4197 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 698.

AMENDMENTS

1954—Act Sept. 1, 1954, exempted undocumented pleasure vessels of the United States from clearance requirements.

1938—Act June 16, 1938, added proviso and all that follows.

1935—Act Aug. 5, 1935, substituted second sentence for "If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as required, the master or other person having the charge or command of such vessel shall be liable to a penalty of $500 for every such offense."

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CONSTRUCTION WITH OTHER LAWS

Section 3 of act June 16, 1938, provided that the amendments to this section by section 1 of the act, should not affect any other existing law.

CROSS REFERENCES

Bond to deliver cargo at destination named in clearance and to prohibit its use in aiding or conforting persons in insurrection against United States, see section 225 of Title 50, War and National Defense.

Refusing clearance to vessels with suspected cargoes intended for port in possession or under control of insurgents against United States, see section 224 of Title 50.

Vessels arriving at ports of United States, manifest, requirement, form, and contents, see section 1431 et seq., of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 86h, 817d, 817e of this Appendix; title 18 section 965; title 33 sections 1232, 1321, 1517, 1904, 1908, 2072; title 46 section 3718; title 42 section 9608; title 50 App. section 13.

§ 91a. Performance of duties of master by licensed deck officer or purser

Whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck offices or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided*, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

(May 4, 1934, ch. 212, 48 Stat. 663.)

CODIFICATION

Section was formerly classified to section 1435a of Title 19, Customs Duties.

§ 93. Commercial documents relating to cargo

(a) Attachment to manifest; time of delivery to Customs Service

Copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest required under chapter 2 of title 48 of the Revised Statutes shall be attached to such manifest and delivered to the appropriate officer of the United States Customs Service at the time such manifest is delivered.

(b) Listed information

The following information shall be included on such manifest, or on attached copies of bills of lading or equivalent commercial documents:

(1) Name and address of shipper.
(2) Description of the cargo.
(3) Number of packages and gross weight.
(4) Name of vessel or carrier.
(5) Port of exit.
(6) Port of destination.

(c) Public disclosure of information

Except as provided in subsection (d) of this section, the following information contained on such manifest, or on attached copies of bills of lading or equivalent commercial documents, shall be available for public disclosure:

(1) Name and address of shipper, unless the shipper has made a biennial certification claiming confidential treatment pursuant to procedures adopted by the Secretary of the Treasury.
(2) General character of the cargo.
(3) Number of packages and gross weight.
(4) Name of vessel or carrier.
(5) Port of exit.
(6) Port of destination.
(7) Country of destination.

(d) Confidentiality of information

The information listed in subsection (c) of this section shall not be available for public disclosure if—

(1) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

(2) the information is exempt under the provisions of section 552(b)(1) of title 5.

(e) Procedures for access to documents to disclose available information and to protect from disclosure information not available to the public

The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in subsection (c) of this section, is authorized to establish procedures to provide access to manifests, or attached bills of lading or equivalent commercial documents which shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests or attached bills of lading, or equivalent commercial documents.

(R.S. § 4199; Pub. L. 96-275, § 2, June 17, 1980, 94 Stat. 539.)

REFERENCES IN TEXT

Chapter 2 of title 48 of the Revised Statutes, referred to in subsec. (a), consists of R.S. §§ 4197 to 4218. For complete classification of R.S. §§ 4197 to 4218 to the Code, see Tables.

CODIFICATION

R.S. § 4199 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 698.

AMENDMENTS

1980—Pub. L. 96-275 substituted provisions respecting disclosure and confidentially of cargo information appended to the manifest when delivered to the Customs Service for provisions specifically describing the form of the report and manifest to be delivered to the collector.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-275 effective forty-five days after June 17, 1980, see section 4(b) of Pub. L. 96-275, set out as a note under section 301 of Title 13, Census.

CONGRESSIONAL ACCESS TO INFORMATION

Amendment by Pub. L. 96-275 as not authorizing the withholding of information from Congress, see section 3 of Pub. L. 96-275, set out as a note under section 301 of Title 13, Census.

§ 94. Oath of master

The oath to be taken by the master or commander of the vessel shall be as follows:

District of

I (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

(R.S. § 4198.)

CODIFICATION

R.S. § 4198 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 698.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 965; title 50 App. section 13.

§ 96. Form of clearance

The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of , ss,

Port of :

These are to certify all whom it doth concern, that , master or commander of the , burden tons, or thereabouts, mounted with guns, navigated with men built, and bound for , having on board , hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the customhouse of , this day of , one thousand , and in the year of the Independence of the United States of America.

(R.S. § 4201.)

CODIFICATION

R.S. § 4201 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 699.

§ 97. State inspection laws

The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

(R.S. § 4202.)

CODIFICATION

R.S. § 4202 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 699.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 98. Conveyance of bullion, coin, notes, or bonds for United States

All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice consul, or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

(R.S. § 4204; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Codification

R.S. § 4204 derived from act July 4, 1864, ch. 249, § 10, 13 Stat. 392.

In text, the words "or commercial" following "vice consul," were omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

§ 100. Payment of fees on vessels outward bound

Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

(R.S. § 4206.)

Codification

R.S. § 4206 derived from acts Mar. 3, 1797, ch. 9, § 5, 1 Stat. 503; Mar. 2, 1799, ch. 22, § 93, 1 Stat. 699.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Certain fees for certain services to vessels abolished, see section 2110 of Title 46, Shipping.

§ 101. Statement of consular services performed without fee filed

It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding $50, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified.

(R.S. § 4213; June 26, 1884, ch. 121, § 13, 23 Stat. 56.)

Codification

R.S. § 4213 derived from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 59.

Act June 26, 1884, amended R.S. § 4213 by substituting "Secretary of the Treasury" for "Comptroller General".

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Fees for services to American vessels or seamen prohibited, see section 4206 of Title 22, Foreign Relations and Intercourse.

§ 102. Steamboats on Lake Champlain

The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the Province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board.

(R.S. § 4208.)

CODIFICATION

R.S. § 4208 derived from acts Mar. 3, 1817, ch. 109, § 3, 3 Stat. 396; May 6, 1822, ch. 56, § 4, 3 Stat. 681.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 104. Reciprocal exemption of foreign yachts from charges and tonnage taxes; licenses

Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Commissioner of Customs may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign port used and employed exclusively as pleasure vessels to arrive at and depart from any port of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Commissioner of Customs may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this section to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Commissioner of Customs may deem proper.

(May 28, 1908, ch. 212, § 5, 35 Stat. 425; Aug. 5, 1909, ch. 6, § 37, 36 Stat. 112; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 26, 1948, ch. 673, 62 Stat. 1051.)

CODIFICATION

This section was not amended or repealed by section 36 of the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, 36 Stat. 111, relating to tonnage duties, but so much of it as related to yachts built outside the United States and owned by citizens of the United States was repealed by section 37 of that act, which was itself repealed by the Underwood Tariff Act of Oct. 13, 1913, ch. 16, § IV, S, 38 Stat. 201.

In text, the words "and subports" and "or subport" following "various ports" and "arrive at and depart from any port" respectively, were omitted.

By subdivision II of the President's plan of reorganization of the Custom Service under the grant of authority contained in act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434, subports of entry not therein designated ports of entry were abolished and the use of the term "subport of entry" was discontinued.

AMENDMENTS

1948—Act June 26, 1948, removed the discrimination against yachts which do not belong to "regularly organized yacht clubs".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of Commerce and Labor" to conform to act Mar. 4, 1913.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Provisions relating to tonnage duties, see section 121 et seq. of this Appendix.

§ 110. Entry of ferryboats

Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

(R.S. § 2792.)

CODIFICATION

R.S. § 2792 derived from act June 4, 1872, ch. 280, 17 Stat. 214.

The provisions contained in this section are also classified, in part, to section 289 of Title 19, Customs Duties.

Act May 28, 1908, ch. 212, § 1, 35 Stat. 424 added a provision to R.S. § 2792 which is classified to sections 112 and 124 of this Appendix, and section 289 of Title 19.

CROSS REFERENCES

Provisions similar to those of this section so far as it relates to entries, and provisions requiring a report of baggage and merchandise to the collector within 24 hours after arrival, see section 1441 of Title 19, Customs Duties.

§ 111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Commissioner of Customs may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel.

(R.S. § 2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 2793 derived from J. Res. Feb. 10, 1871, No. 27, § 2, 16 Stat. 595.

Provisions of this section are also classified to section 288 of Title 19, Customs Duties.

Provision of R.S. § 2793 respecting tonnage duties is classified to section 123 of this Appendix.

AMENDMENTS

1941—Act Sept. 25, 1941, added exception and proviso at end of section.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Vessels not required to make entry, see section 1441 of Title 19, Customs Duties.

§ 112. Passenger vessels trading between ports of United States and foreign ports

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees while such service triweekly or oftener is maintained.

(R.S. § 2792; May 28, 1908, ch. 212, § 1, 35 Stat. 424.)

CODIFICATION

R.S. § 2792 derived from act June 4, 1872, ch. 280, 17 Stat. 214.

Provisions of R.S. § 2792 as originally enacted are classified to section 110 of this Appendix and, in part, to section 289 of Title 19, Customs Duties.

The provision of this section which was added to R.S. § 2792 by act May 28, 1908, is also classified, in part, to section 124 of this Appendix and section 289 of Title 19.

CROSS REFERENCES

Vessels not required to make entry, see section 1441 of Title 19, Customs Duties.

§ 113. Vessels making daily trips on interior waters

In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

(R.S. § 4221.)

CODIFICATION

R.S. § 4221 derived from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 322.

Provision of R.S. § 4221 respecting tonnage duties is classified to section 125 of this Appendix.

CHAPTER 4—TONNAGE DUTIES

Sec.
121. Amount of tonnage duties.
122. Coasting and fishing vessels.
123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.
124. Passenger vessels trading between ports of United States and foreign ports.
125. Vessels making daily trips on interior waters.
126. Vessels touching at Canadian ports.
127. Omitted.
128. Light money.
129. Exemption of unregistered vessels owned by citizens.
130. Omitted.
131. Rights of Cuban vessels.
132. Vessels not entering by sea.
133. Hospital ships in time of war.
134. Designation by President of hospital ships exempted.
135. Rights under treaties preserved.

§ 121. Amount of tonnage duties

Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton, and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.

A tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of $2 per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. Any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of 50 cents per ton.

(R.S. § 4219; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 250; June 26, 1884, ch. 121, § 14, 23 Stat. 57; Apr. 4, 1888, ch. 61, § 1, 25 Stat. 80; Aug. 5, 1909, ch. 6, § 36, 36 Stat. 111; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193.)

CODIFICATION

R.S. § 4219 derived from acts July 20, 1790, ch. 30, § 1, 1 Stat. 135; Apr. 27, 1816, ch. 107, § 6, 3 Stat. 314; Jan. 14, 1817, ch. 3, § 1, 3 Stat. 344; Mar. 1, 1817, ch. 31, § 6, 3 Stat. 352; Mar. 3, 1817, ch. 50, 3 Stat. 369; May 31, 1830, ch. 219, § 1, 4 Stat. 425; July 14, 1862, ch. 163, § 15, 12 Stat. 558; June 28, 1864, ch. 170, 13 Stat. 201; Mar. 3, 1865, ch. 80, § 4, 13 Stat. 493.

The first and third paragraphs of this section, with the exception of the proviso in the third paragraph, are from R.S. § 4219.

A portion of that section omitted here provided that, in addition to the tonnage duty thereby imposed there should be paid a tax, at the rate of thirty cents per ton, on vessels entered at any custom house from any foreign port or place.

It was probably omitted as superseded and repealed by act June 26, 1884, as amended by acts June 19, 1886, ch. 421, § 11, 24 Stat. 81; Apr. 4, 1888, and Aug. 5, 1909.

Another portion of the original text, concerning the impairment of rights and privileges of foreign nations under laws and treaties was probably omitted as sufficiently covered by the similar provision near the end of the section.

The second paragraph of this section is from act Aug. 5, 1909, § 36. Portions of that paragraph omitted here, fixed the time of its taking effect, repealed R.S. § 4232, act June 19, 1886, ch. 421, §§ 11 and 12, 24 Stat. 81, and so much of R.S. § 4219 as conflicted therewith, and provided that it should not be construed to amend or repeal R.S. § 2792, as amended, act May 28, 1908, ch. 212, § 5, 35 Stat. 425, or R.S. § 2793. That paragraph was expressly excepted from repeal by Underwood Tariff Act Oct. 13, 1913, ch. 16, § IV, S, 38 Stat. 201.

The proviso in the third paragraph of this section is based on act Mar. 4, 1915. Other provisions of that act are classified to section 128 of this Appendix, and sections 128 and 131 of Title 19, Customs Duties.

So much of act June 19, 1886, ch. 421, § 11, 24 Stat. 81, as exempted any yacht built outside the United States, and owned, chartered or used by a citizen of the United States, from the payment of tonnage taxes, was repealed by act Feb. 5, 1897, ch. 167, § 2, 29 Stat. 511. Act June 19, 1886, having been repealed as above stated section 2 of act Feb. 5, 1897, ch. 167, is no longer operative.

Section 12 of act June 19, 1886, which was repealed by the Payne-Aldrich Tariff Act of Aug. 5, 1909, § 36, directed the President to cause the Governments of foreign countries, which, at any of their ports, imposed on American vessels a tonnage tax or light house dues, etc., to be informed of the provisions of section 11, and invited to co-operate with the Government of the United States in abolishing light house dues, etc.

R.S. § 4223, provided that the tonnage duty imposed on all vessels engaged in foreign commerce should be levied but once within a year, and that when paid no further tonnage tax should be collected within one year from the date of such payment, not being applicable, however, to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States were not ordinarily permitted to enter and trade.

R.S. § 4224, provided that vessels paying tonnage duties once a year should pay them at their first clearance from or entry at, according to priority, a custom house in the United States in each calendar year, but that it should not prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom houses during the calendar year if the same had not previously been paid for such year.

Both these sections were repealed by act June 26, 1884, as amended by act June 19, 1886, ch. 421, § 11, 24 Stat. 81.

Act June 19, 1878, ch. 318, 20 Stat. 171, amended R.S. § 2931, by providing that it should not apply to cases of the payment of tonnage tax on vessels where the Secretary of the Treasury and the Attorney General were satisfied that the exaction of the tax was in contravention of treaty provisions. R.S. § 2931, which provided for an appeal to the Secretary of the Treasury from the decision of the collector of customs as to the rate and amount of tonnage duties, etc., was repealed by act June 10, 1890, ch. 407, § 29, 26 Stat. 141. Act June 19, 1878, further provided that the Secretary of the Treasury might draw his warrant for the refund of taxes so illegally exacted, as provided for by R.S. § 3012½. R.S. § 3012½, was also repealed by act June 10, 1890, § 29. By the repeal of R.S. §§ 2931, 3012½, act June 19, 1878, ch. 318, became inoperative.

Act Feb. 10, 1900, ch. 15, § 2, 31 Stat. 27, authorized the Secretary of the Treasury to refund tonnage taxes and light dues imposed on vessels owned by citizens of Cuba entering ports of the United States since Apr. 11, 1899, which had been in excess of the taxes prescribed by act June 19, 1886, ch. 421, § 11, 24 Stat. 81. It was doubtless omitted from the code as executed.

R.S. § 4232, repealed by the same section, provided that mail steamships employed in the mail-service between the United States and Brazil, should be exempt from all port charges and customs dues at the port of departure and arrival in the United States, if and so long as a similar immunity from port charges and custom-house charges was granted by the government of Brazil.

Section 37 of act Aug. 5, 1909, which provided for a tonnage tax on foreign built yachts, pleasure boats or vessels, not used or intended to be used for trade, owned, or chartered for more than six months by citizens of the United States, or, in lieu thereof, an ad valorem duty, and entitled such yachts, etc., upon payment thereof to all the privileges, subjected them to all the requirements prescribed by R.S. §§ 4214, 4215, 4217, 4218, and acts amendatory thereof, in the same manner as if they had been built in the United States, subjected such yachts, etc., to tonnage duty and light money only in the same manner as if they had been built in the United States, repealed so much of act May 28, 1908, ch. 212, § 5, 35 Stat. 425, as related to yachts built outside the United States and owned by citizens of the United States, and provided that the section should not apply to foreign built vessels admitted to American registry, was repealed by the Underwood Tariff Act of Oct. 13, 1913, ch. 16, § IV, S, 38 Stat. 201.

Act June 5, 1920, ch. 250, § 34, 41 Stat. 1007, directed the President to give notice to terminate provisions of treaties or conventions restricting the right of the United States to impose discriminating customs duties and tonnage dues. It was doubtless omitted as temporary and executed.

NONLIABILITY OF CUSTOMS COLLECTORS AND VESSELS BEFORE OCTOBER 1, 1940

Act May 16, 1947, ch. 71, 61 Stat. 97, made collectors of customs and vessels themselves not liable for failure to collect special tonnage duties or light money under this section or section 128 of this Appendix in connection with the entry prior to Oct. 1, 1940, of any foreign vessel from a foreign port.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see section 1(f) of Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Cuban vessels, rights of, see section 131 of this Appendix.

Hospital ships in time of war, see section 133 of this Appendix.

Suspension of operation of section by President, see section 141 of this Appendix.

Vessels evading provisions relating to transportation between ports in the United States by foreign vessels, tonnage duties on, see section 1588 of Title 19, Customs Duties.

Vessels not entering by sea to be exempt from tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, see section 132 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 141 of this Appendix.

§ 122. Coasting and fishing vessels

No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered, or enrolled.

(R.S. § 4220.)

CODIFICATION

R.S. § 4220 derived from acts July 14, 1870, ch. 255, § 25, 16 Stat. 269; Apr. 18, 1874, ch. 110, 18 Stat. 31.

CROSS REFERENCES

Documentation of vessels, see section 12101 et seq. of Title 46, Shipping.

Regulation of vessels in domestic commerce, see section 251 et seq. of this Appendix.

§ 123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of tonnage tax, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Commissioner of Customs may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel.

(R.S. § 2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 2793 derived from J. Res. Feb. 10, 1871, No. 27, § 2, 16 Stat. 595.

Provision of R.S. § 2793 respecting payment of entry and clearance fee is classified to section 111 of this Appendix, and section 288 of Title 19, Customs Duties.

AMENDMENTS

1941—Act Sept. 25, 1941, added exception and proviso at end of section.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

Administrative Delegation of Functions by Secretary of the Treasury

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

Cross References

Vessels not required to make entry, see section 1441 of Title 19, Customs Duties.

§ 124. Passenger vessels trading between ports of United States and foreign ports

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from tonnage taxes while such service triweekly or oftener is maintained.

(R.S. § 2792; May 28, 1908, ch. 212, § 1, 35 Stat. 424.)

Codification

R.S. § 2792 derived from act June 4, 1872, ch. 280, 17 Stat. 214.

Provisions of R.S. § 2792 as originally enacted are classified to section 110 of this Appendix and, in part, to section 289 of Title 19, Customs Duties.

The provision of this section which was added to R.S. § 2792 by act May 28, 1908, is also classified, in part, to section 112 of this Appendix and section 289 of Title 19.

§ 125. Vessels making daily trips on interior waters

In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

(R.S. § 4221.)

Codification

R.S. § 4221 derived from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 322.

Provision of R.S. § 4221 respecting clearance fees is classified to section 113 of this Appendix.

§ 126. Vessels touching at Canadian ports

No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel when she shall thus touch at a Canadian port.

(R.S. § 4222.)

Codification

R.S. § 4222 derived from J. Res. July 20, 1868, No. 64, 15 Stat. 260.

Cross References

Consular fees for services to American vessels or seamen prohibited, see section 4206 of Title 22, Foreign Relations and Intercourse.

Powers, duties, and liabilities of consular officers generally, see section 4191 et seq. of Title 22.

§ 127. Omitted

Codification

Section, act Apr. 29, 1908, ch. 152, § 2, 35 Stat. 70, which provided for levy and collection of tonnage taxes upon all foreign vessels coming into the United States from the Philippine Islands, was omitted in view of the independence of the Philippine Islands. See Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, set out in note under section 1394 of Title 22, Foreign Relations and Intercourse.

§ 128. Light money

A duty of 50 cents per ton, to be denominated "light money", shall be levied and collected on all vessels not of the United States which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States.

(R.S. § 4225; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193.)

Codification

R.S. § 4225 derived from act Mar. 27, 1804, ch. 57, § 6, 2 Stat. 300.

The proviso of this section is from act Mar. 4, 1915. Other provisions of the act are classified to section 121 of this Appendix and sections 128 and 131 of Title 19, Customs Duties.

Section Referred to in Other Sections

This section is referred to in section 129 of this Appendix.

§ 129. Exemption of unregistered vessels owned by citizens

Section 128 of this Appendix shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying regular documents, issued from a customhouse of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

(R.S. § 4226.)

CODIFICATION

R.S. § 4226 derived from act Mar. 3, 1805, ch. 40, 2 Stat. 339.

As originally enacted, this section contained a reference to vessels carrying sea letters. The use of such documents was discontinued by Presidential proclamation on Apr. 10, 1815.

§ 130. Omitted

CODIFICATION

Section, act July 1, 1916, ch. 209, § 1, 39 Stat. 286, which related to exemption from tonnage taxes and light dues of vessels owned by citizens of the Philippine Islands, was omitted in view of the independence of the Philippine Islands, effective July 4, 1946. See Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, set out in note under section 1394 of Title 22, Foreign Relations and Intercourse.

§ 131. Rights of Cuban vessels

Vessels owned by citizens of Cuba and documented as such shall be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

(Feb. 10, 1900, ch. 15, § 1, 31 Stat. 27.)

CODIFICATION

Section 2 of act Feb. 10, 1900, authorized a refund of taxes and dues previously imposed in excess of those prescribed by act June 19, 1886, ch. 421, § 11, 24 Stat. 81. See note set out under section 121 of this Appendix.

RESTRICTION ON ASSISTANCE TO CUBA

For restriction on the furnishing of assistance to Cuba, with certain exceptions, see section 2370 of Title 22, Foreign Relations and Intercourse.

§ 132. Vessels not entering by sea

Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year.

(Mar. 8, 1910, ch. 86, 36 Stat. 234.)

CODIFICATION

The original text of this section referred to "the tonnage duty of two cents per ton, not to exceed in the aggregate ten cents per ton in any one year, prescribed by section thirty-six of the Act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.'"

The pertinent provisions of act Aug. 5, 1909, ch. 6, § 36, 36 Stat. 111, so referred to, are classified to section 121 of this Appendix.

§ 133. Hospital ships in time of war

Hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva convention of August 22, 1864, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted, in time of war, from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges.

(Mar. 24, 1908, ch. 96, § 1, 35 Stat. 46.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 134 of this Appendix.

§ 134. Designation by President of hospital ships exempted

The President of the United States shall by proclamation name the hospital ships to which section 133 of this Appendix shall apply, and shall indicate the time when the exemptions provided for shall begin and end.

(Mar. 24, 1908, ch. 96, § 2, 35 Stat. 46.)

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see section 1(e) of Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

§ 135. Rights under treaties preserved

Nothing contained in title 48 of the Revised Statutes shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

(R.S. § 4227.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, consists of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

CODIFICATION

R.S. § 4227 derived from acts Apr. 27, 1816, ch. 107, § 6, 3 Stat. 314; Jan. 14, 1817, ch. 3, § 1, 3 Stat. 344; July 14, 1862, ch. 163, § 15, 12 Stat. 558.

CHAPTER 5—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES

Sec.
141. Suspension by President.
142. Retaliatory suspension of commercial privileges to foreign vessels.
143. Retaliation on denial of rights to United States vessels in British North America.
144. Suspension of free passage through Saint Marys Falls Canal; tolls.
145. Collection of tolls.
146. Discriminating duty on merchandise imported in foreign vessels.

§ 141. Suspension by President

Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer: *Provided*, That the President is authorized to suspend in part the operation of section 121 of this Appendix and section 2502 of the Revised Statutes so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country.

(R.S. § 4228; July 24, 1897, ch. 13, 30 Stat. 214.)

References in Text

Section 2502 of the Revised Statutes, referred to in text, which imposed a discriminating duty upon merchandise imported in foreign vessels, was not classified to the Code and was repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1430. See section 146 of this Appendix.

Codification

R.S. § 4228 derived from acts May 24, 1828, ch. 111, § 1, 4 Stat. 308; May 31, 1830, ch. 219, § 2, 4 Stat. 425; July 13, 1832, ch. 207, § 3, 4 Stat. 579.

Act July 24, 1897, added the proviso of this section.

Delegation of Functions

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see section 1(f) of Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

Nations Whose Vessels Are Exempted

Nations whose vessels are exempted by treaties or Presidential proclamations from the payment of any higher tonnage duties than are applicable to vessels of the United States, and are exempted from the payment of light money, see 19 C.F.R. § 4.22.

Proc. No. 2992. Korea

Proc. No. 2992, Oct. 13, 1952, 17 F.R. 9150, 67 Stat. c15, provided:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions [this section] do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Korea and the produce, manufactures, or merchandise imported in said vessels into the United States from Korea or from any other foreign country; the suspension to take effect from October 1, 1952, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Cross References

Discriminating duty on goods imported in foreign vessels, exception, see section 128 of Title 19, Customs Duties.

§ 142. Retaliatory suspension of commercial privileges to foreign vessels

Whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this section, or aiding and abetting any other person in such opposition, shall forfeit $800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

(June 19, 1886, ch. 421, § 17, 24 Stat. 82.)

Cross References

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Principals, see section 2 of Title 18.

§ 143. Retaliation on denial of rights to United States vessels in British North America

Whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters, or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters, or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section. Every violation of any such proclamation, or any part thereof, is declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

(Mar. 3, 1887, ch. 339, 24 Stat. 475.)

CROSS REFERENCES

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 144. Suspension of free passage through Saint Marys Falls Canal; tolls

With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or the waterways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the Saint Marys Falls Canal, permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the Saint Marys Falls Canal, so far as it relates to vessels owned by the subjects of the Government so discriminating against the citizens, ports, or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the Government making such discrimination, whether carried in vessels of the United States or of other nations.

In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit: Upon freight of whatever kind or description, not to exceed $2 per ton; upon passengers, not to exceed $5 each, as shall be from time to time determined by the President: *Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota.

(July 26, 1892, ch. 248, § 1, 27 Stat. 267.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 145 of this Appendix.

§ 145. Collection of tolls

All tolls charged under the provisions of section 144 of this Appendix shall be collected under such regulations as shall be prescribed by the Commissioner of Customs, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien which may be enforced against the vessel in default wherever and whenever found in the waters of the United States.

(July 26, 1892, ch. 248, § 2, 27 Stat. 268; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury" to conform to act Feb. 14, 1903, which transferred certain powers and duties of the Secretary of the Treasury relating to merchant vessels and yachts to the Secretary of Commerce and Labor and act Mar. 4, 1913, which changed the designation of the Secretary of Commerce and Labor to "Secretary of Commerce."

Administrative Delegation of Functions by Secretary of the Treasury

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

§ 146. Discriminating duty on merchandise imported in foreign vessels

A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States, but not a vessel of the United States, if such vessel, after entering an American port, shall before leaving the same be registered as a vessel of the United States.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 1, 38 Stat. 195; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, § 651(d)(1), 46 Stat. 763.)

Codification

The provisions incorporated in this section, with portions of the original text omitted here, are classified to section 128 of Title 19, Customs Duties.

Section is from subsec. 1 of the Underwood Tariff Act of Oct. 3, 1913, § IV, par. J. It was expressly saved from repeal by section 321 of the Tariff Act of 1922 (section 573 of Title 19), but was repealed in part by act Mar. 4, 1915.

Subsec. 1 of act Oct. 3, 1913, § IV, par. J, provided also for a discriminating duty on goods, wares and merchandise produced or manufactured in a foreign country not contiguous to the United States but coming into the United States from such contiguous country. That provision is classified to section 128 of Title 19.

R.S. § 2502 imposed a discriminating duty upon merchandise imported in foreign vessels. It was superseded by subsequent similar provisions in successive tariff acts, the latest of which is classified to this section.

Act June 5, 1920, ch. 250, § 34, 41 Stat. 1007, declaring it to be the judgment of Congress that provisions of treaties restricting the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and vessels of the United States, and discriminatory tonnage dues on foreign vessels, and on vessels of the United States, should be terminated, and directing the President to give notice to terminate them, was omitted.

Repeal or Amendment; Exception

Section is expressly excepted from repeal or amendment by the Tariff Act of 1930 (act June 17, 1930, ch. 497, title IV, 46 Stat. 763) which provides in section 651(d) as follows: "Nothing in this Act shall be construed to amend or repeal any of the following provisions of law: (1) Subsections 1, 2, and 3 of paragraph J of Section IV of the Act entitled 'An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913 (relating to restrictions on importations in foreign vessels or through contiguous countries), as modified by the Act of March 4, 1915, chapter 171".

Cross References

Authority to suspend operation of section, see section 141 of this Appendix.

CHAPTER 6—REGULATION AS TO VESSELS CARRYING STEERAGE PASSENGERS

Sec.
163. Regulations as to boarding arriving vessels before inspection.

§ 163. Regulations as to boarding arriving vessels before inspection

The Commissioner of Customs is authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of the United States Customs Service. Each person violating such regulations shall be subject to a penalty of not more than $100 or imprisonment not to exceed six months, or both, in the discretion of the court. This section shall be construed as supplementary to section 9 of act August 2, 1882 (22 Stat. 189), and section 2279 of title 18.

(Mar. 31, 1900, ch. 120, §§ 1-3, 31 Stat. 58; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, § 101, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

References in Text

Section 9 of act August 2, 1882, referred to in text, was classified to section 158 of former Title 46, Shipping, and was repealed by Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600.

CODIFICATION

"Section 2279 of title 18" was substituted for "section 4606 of the Revised Statutes" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, which enacted Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section 4 of act Mar. 31, 1900, provided that the act should take effect thirty days after its passage.

TRANSFER OF FUNCTIONS

"United States Customs Service" was substituted for "Bureau of Customs" pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" and "the Bureau of Customs" for "that department" on authority of sections 101 to 104 of Reorg. Plan No. 3 of 1946, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury," to conform to act Feb. 14, 1903, which transferred certain powers and duties of the Secretary of the Treasury relating to merchant vessels and yachts to the Secretary of Commerce and Labor and act Mar. 4, 1913, which changed the designation of the Secretary of Commerce and Labor to Secretary of Commerce.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

CHAPTER 8—LIMITATION OF VESSEL OWNER'S LIABILITY

Sec.
181. Liability of masters as carriers.
182. Loss by fire.
183. Amount of liability.
    (a) Privity or knowledge of owner; limitation.
    (b) Seagoing vessels; losses not covered in full.
    (c) Tonnage of seagoing vessels.
    (d) Loss of life or bodily injury arising on distinct occasions.
    (e) Privity imputed to owner.
    (f) "Seagoing vessel" defined.
183b. Stipulations limiting time for filing claims and commencing suit.
    (a) Time periods.
    (b) Claims not barred for failure to give notice.
    (c) Mental incompetents; minors; wrongful death actions.
183c. Stipulations limiting liability for negligence invalid.
184. Apportionment of compensation.
185. Petition for limitation of liability; deposit of value of interest in court; transfer of interest to trustee.
186. Charterer may be deemed owner.
187. Remedies reserved.
188. Limitation of liability of owners applied to all vessels.
189. Limitation of liability of owners of vessels for debts.
190. Stipulations relieving from liability for negligence.
191. Stipulations relieving from exercise of due diligence in equipping vessels.
192. Limitation of liability for errors of navigation, dangers of the sea and acts of God.
193. Bills of lading to be issued; contents.
194. Penalties; liens; recovery.
195. Certain provisions inapplicable to transportation of live animals.
196. Certain laws unaffected.

CROSS REFERENCES

Liability with respect to carriage of goods by sea, see section 1300 et seq. of this Appendix.

§ 181. Liability of masters as carriers

If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or timepieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

(R.S. § 4281.)

CODIFICATION

R.S. § 4281 derived from act Feb. 28, 1871, ch. 100, § 69, 16 Stat. 458.

SHORT TITLE

Sections 190 to 196 of this Appendix are popularly known as the "Harter Act".

CROSS REFERENCES

Amount of liability when nature and value of goods not declared, see section 1304 of this Appendix.

Sections unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 196, 1308 of this Appendix.

§ 182. Loss by fire

No owner of any vessel shall be liable to answer for or make good to any person any loss or damage, which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

(R.S. § 4282.)

CODIFICATION

R.S. § 4282 derived from act Mar. 3, 1851, ch. 43, § 1, 9 Stat. 635.

CROSS REFERENCES

Liability of carrier and ship for loss from fire, see section 1304 of this Appendix.

Remedies reserved, see section 187 of this Appendix.

Section unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 187, 188, 196, 1308 of this Appendix; title 42 section 9607.

§ 183. Amount of liability

(a) Privity or knowledge of owner; limitation

The liability of the owner of any vessel, whether American or foreign, for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall not, except in the cases provided for in subsection (b) of this section, exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

(b) Seagoing vessels; losses not covered in full

In the case of any seagoing vessel, if the amount of the owner's liability as limited under subsection (a) of this section is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury is less than $420 per ton of such vessel's tonnage, such portion shall be increased to an amount equal to $420 per ton, to be available only for the payment of losses in respect of loss of life or bodily injury. If such portion so increased is insufficient to pay such losses in full, they shall be paid therefrom in proportion to their respective amounts.

(c) Tonnage of seagoing vessels

For the purposes of this section the tonnage of a seagoing steam or motor vessel shall be her gross tonnage without deduction on account of engine room, and the tonnage of a seagoing sailing vessel shall be her registered tonnage: *Provided*, That there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use.

(d) Loss of life or bodily injury arising on distinct occasions

The owner of any such seagoing vessel shall be liable in respect of loss of life or bodily injury arising on distinct occasions to the same extent as if no other loss of life or bodily injury had arisen.

(e) Privity imputed to owner

In respect of loss of life or bodily injury the privity or knowledge of the master of a seagoing vessel or of the superintendent or managing agent of the owner thereof, at or prior to the commencement of each voyage, shall be deemed conclusively the privity or knowledge of the owner of such vessel.

(f) "Seagoing vessel" defined

As used in subsections (b), (c), (d), and (e) of this section and in section 183b of this Appendix, the term "seagoing vessel" shall not include pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels or their tenders, self-propelled lighters, nondescript self-propelled vessels, canal boats, scows, car floats, barges, lighters, or nondescript non-self-propelled vessels, even though the same may be seagoing vessels within the meaning of such term as used in section 188 of this Appendix, as amended.

(R.S. § 4283; Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Oct. 19, 1984, Pub. L. 98-498, title II, § 213(a), 98 Stat. 2306.)

CODIFICATION

R.S. § 4283 derived from act Mar. 3, 1851, ch. 43, § 3, 9 Stat. 635.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-498 substituted "$420" for "$60" in two places.

1936—Act June 5, 1936, amended existing provisions of section generally, provided, that when owner's limited liability is insufficient to pay losses in full and the portion applicable to payment for loss of life or injury is less than $60 per ton, such portion be increased to $60 per ton, and if increased portion is insufficient, proportionate payments be made, added provision imputing privity or knowledge of master, superintendent, or managing agent to owner, construed "seagoing vessel" for purposes of section 183b of this Appendix as well as this section, and designated the amended provisions of section as subsecs. (a) to (f).

1935—Act Aug. 29, 1935, added provisions fixing total liability of owner of sea-going vessel, whether American or foreign, other than tugs, barges, or fishing vessels, for entire loss of life or injuries caused without his fault or privity at not less than $60 for each ton of such vessel or the amount of value of his interest in such vessel and her freight then pending, if the latter be a greater amount; fixed tonnage of steam or motor vessel as her gross tonnage, without deduction for engine room, and tonnage of a sailing vessel as her registered tonnage, not including space for seamen; and imposed on owners, liability for losses of life or injury on distinct occasions to the same extent as if no other loss or injury had arisen.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 213(b) of Pub. L. 98-498 provided that: "The amendment made by subsection (a) [amending this section] shall apply to incidents occurring after the date of enactment of this Act [Oct. 19, 1984]."

CROSS REFERENCES

Apportionment of compensation, see section 184 of this Appendix.

Individual liability of shipowner, see section 189 of this Appendix.

Liability of master and owners for damage to passengers, see section 491 of this Appendix.

Longshore and harbor workers' compensation actions, amount of recovery not limited by this section, see section 948 of Title 33, Navigation and Navigable Waters.

Petition for limitation of liability, see section 185 of this Appendix.

Remedies reserved, see section 187 of this Appendix.

Section unaffected by sections 190 to 195 of this Appendix, see section 196 of this Appendix.

Surrender of vessel, see section 185 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 185, 187, 188, 196, 1308 of this Appendix; title 42 section 9607; title 43 section 1814.

§ 183b. Stipulations limiting time for filing claims and commencing suit

(a) Time periods

It shall be unlawful for the manager, agent, master, or owner of any sea-going vessel (other than tugs, barges, fishing vessels and their tenders) transporting passengers or merchandise or property from or between ports of the United States and foreign ports to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of, or filing claims for loss of life or bodily injury, than six months, and for the institution of suits on such claims, than one year, such period for institution of suits to be computed from the day when the death or injury occurred.

(b) Claims not barred for failure to give notice

Failure to give such notice, where lawfully prescribed in such contract, shall not bar any such claim—

(1) If the owner or master of the vessel or his agent had knowledge of the injury, damage, or loss and the court determines that the owner has not been prejudiced by the failure to give such notice; nor

(2) If the court excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor

(3) Unless objection to such failure is raised by the owner.

(c) Mental incompetents; minors; wrongful death actions

If a person who is entitled to recover on any such claim is mentally incompetent or a minor, or if the action is one for wrongful death, any lawful limitation of time prescribed in such contract shall not be applicable so long as no legal representative has been appointed for such incompetent, minor, or decedent's estate, but shall be applicable from the date of the appointment of such legal representative: *Provided, however,* That such appointment be made within three years after the date of such death or injury.

(R.S. § 4283A, as added Aug. 29, 1935, ch. 804, § 3, 49 Stat. 960.)

CROSS REFERENCES

Seagoing vessel defined for purposes of this section, see section 183 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 188, 1308 of this Appendix.

§ 183c. Stipulations limiting liability for negligence invalid

It shall be unlawful for the manager, agent, master, or owner of any vessel transporting passengers between ports of the United States or between any such port and a foreign port to insert in any rule, regulation, contract, or agreement any provision or limitation (1) purporting, in the event of loss of life or bodily injury arising from the negligence or fault of such owner or his servants, to relieve such owner, master, or agent from liability, or from liability beyond any stipulated amount, for such loss or injury, or (2) purporting in such event to lessen, weaken, or avoid the right of any claimant to a trial by court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor. All such provisions or limitations contained in any such rule, regulation, contract, or agreement are declared to be against public policy and shall be null and void and of no effect.

(R.S. § 4283B, as added June 5, 1936, ch. 521, § 2, 49 Stat. 1480.)

CROSS REFERENCES

Vessels within application of this section, see section 188 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188, 1308 of this Appendix.

§ 184. Apportionment of compensation

Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

(R.S. § 4284; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 251.)

CODIFICATION

R.S. § 4284 derived from act Mar. 3, 1851, ch. 43, § 4, 9 Stat. 635.

Act Feb. 27, 1877, amended R.S. § 4284 by substituting the word "owners" for "owner" in the expression "freighters and owners of the property".

Cross References

Remedies reserved, see section 187 of this Appendix. Vessels within application of this section, see section 188 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 187, 188, 1308 of this Appendix; title 42 section 9607.

§ 185. Petition for limitation of liability; deposit of value of interest in court; transfer of interest to trustee

The vessel owner, within six months after a claimant shall have given to or filed with such owner written notice of claim, may petition a district court of the United States of competent jurisdiction for limitation of liability within the provisions of chapter 6 of title 48 of the Revised Statutes and the owner (a) shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the interest of such owner in the vessel and freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 183 of this Appendix, or (b) at his option shall transfer, for the benefit of claimants, to a trustee to be appointed by the court his interest in the vessel and freight, together with such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 183 of this Appendix. Upon compliance with the requirements of this section all claims and proceedings against the owner with respect to the matter in question shall cease.

(R.S. § 4285; June 5, 1936, ch. 521, § 3, 49 Stat. 1480.)

References in Text

Chapter 6 of title 48 of the Revised Statutes, referred to in text, consists of R.S. §§ 4252 to 4289. For complete classification of R.S. §§ 4252 to 4289 to the Code, see Tables.

Codification

R.S. § 4285 derived from act Mar. 3, 1851, ch. 43, § 4, 9 Stat. 635.

Amendments

1936—Act June 5, 1936, substituted provisions of this section for former provisions which provided that it should be deemed a sufficient compliance on the part of an owner with the requirements of title 48 of the Revised Statutes relating to his liability for embezzlement, loss, or destruction of any property, goods, or merchandise, if he transferred his interest in such vessel and freight, for the benefit of claimants, to a trustee appointed by court, after which all claims against the owner should cease.

Cross References

Remedies reserved, see section 187 of this Appendix. Vessels within application of this section, see section 188 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 187, 188, 1308 of this Appendix; title 42 section 9607.

§ 186. Charterer may be deemed owner

The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

(R.S. § 4286.)

References in Text

Title 48 of the Revised Statutes, referred to in text, consists of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

Codification

R.S. § 4286 derived from act Mar. 3, 1851, ch. 43, § 5, 9 Stat. 636.

Cross References

Remedies reserved, see section 187 of this Appendix. Vessels within application of this section, see section 188 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 187, 188, 1308 of this Appendix; title 42 section 9607.

§ 187. Remedies reserved

Nothing in sections 182, 183, and 184 to 186 of this Appendix shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

(R.S. § 4287.)

Codification

R.S. § 4287 derived from act Mar. 3, 1851, ch. 43, § 6, 9 Stat. 636.

Cross References

Vessels within application of this section, see section 188 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 188, 1308 of this Appendix; title 42 section 9607.

§ 188. Limitation of liability of owners applied to all vessels

Except as otherwise specifically provided therein, the provisions of sections 175, 182, 183, 183b to 187, and 189 of this Appendix shall apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

(R.S. § 4289; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 320; June 19, 1886, ch. 421, § 4, 24 Stat. 80; June 5, 1936, ch. 521, § 4, 49 Stat. 1481.)

References in Text

Section 175 of this Appendix, referred to in text, was repealed by act Oct. 9, 1940, ch. 777, § 7, 54 Stat. 1028.

Codification

R.S. § 4289 derived from act Mar. 3, 1851, ch. 43, § 7, 9 Stat. 636.

Section, as enacted in the Revised Statutes, was as follows: "The provisions of this Title relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation."

It was amended, by striking out the words "this Title," and inserting the words "the seven preceding sections," by act Feb. 18, 1875.

It was further amended, to read in substance as set forth here, after the enactment of act June 26, 1884, ch. 121, § 18, 23 Stat. 57, classified to section 189 of this Appendix, by act June 19, 1886.

Amendments

1936—Act June 5, 1936, substituted "Except as otherwise specifically provided therein, the provisions of the nine preceding sections" for "The provisions of the seven preceding sections".

Section Referred to in Other Sections

This section is referred to in sections 183, 1308 of this Appendix; title 42 section 9607.

§ 189. Limitation of liability of owners of vessels for debts

The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending: *Provided*, That this provision shall not prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners.

(June 26, 1884, ch. 121, § 18, 23 Stat. 57.)

Codification

This section was enacted as part of the Shipping Act of 1884.

The original text of the proviso read as follows: "*Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners."

The provision concerning liabilities previously incurred was omitted.

Cross References

Other provisions relating to the liability of vessels, their owners, agents, or charterers, see sections 190 to 195 of this Appendix.

Section as applicable to all seagoing vessels and all vessels used on lakes or rivers or on inland navigation, see section 188 of this Appendix.

Vessels within application of this section, see section 188 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 188 of this Appendix.

§ 190. Stipulations relieving from liability for negligence

It shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

(Feb. 13, 1893, ch. 105, § 1, 27 Stat. 445.)

Codification

This is the first section of the Harter Act. Sections 2 to 7 of the Act are classified to sections 191 to 195 of this Appendix.

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Cross References

Clause, covenant or agreement relieving carrier or ship from liability for loss or damage arising from negligence, fault or failure in duties and obligations provided, to be null and void, see section 1303 of this Appendix.

Transportation of live animals, section inapplicable, see section 195 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 194, 195, 196, 1311 of this Appendix.

§ 191. Stipulations relieving from exercise of due diligence in equipping vessel

It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence [1] properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

(Feb. 13, 1893, ch. 105, § 2, 27 Stat. 445.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Section Referred to in Other Sections

This section is referred to in sections 194, 196, 1311 of this Appendix.

§ 192. Limitation of liability for errors of navigation, dangers of the sea and acts of God

If the owner of any vessel transporting merchandise or property to or from any port in the

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[1] So in original. Probably should be followed by "to".

United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers, shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the vessel, her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

(Feb. 13, 1893, ch. 105, § 3, 27 Stat. 445.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Cross References

Liabilities and immunities of carrier and ship, see section 1304 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 194, 196, 1311 of this Appendix.

§ 193. Bills of lading to be issued; contents

It shall be the duty of the owner or owners, masters, or agents of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

(Feb. 13, 1893, ch. 105, § 4, 27 Stat. 445.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Cross References

Bills of lading for carriage of goods by sea, see section 1303 of this Appendix.

Section inapplicable to the transportation of live animals, see section 195 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 194, 195, 196, 1311 of this Appendix.

§ 194. Penalties; liens; recovery

For a violation of any of the provisions of sections 190 to 196 of this Appendix the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding $2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

(Feb. 13, 1893, ch. 105, § 5, 27 Stat. 446.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Federal Rules of Civil Procedure

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

Section Referred to in Other Sections

This section is referred to in sections 196, 1311 of this Appendix.

§ 195. Certain provisions inapplicable to transportation of live animals

Sections 190 and 193 of this Appendix shall not apply to the transportation of live animals.

(Feb. 13, 1893, ch. 105, § 7, 27 Stat. 446.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Section Referred to in Other Sections

This section is referred to in sections 194, 196, 1311 of this Appendix.

§ 196. Certain laws unaffected

Sections 190 to 196 of this Appendix shall not be held to modify or repeal sections 181 to 183 of this Appendix, or any other statute defining the liability of vessels, their owners, or representatives.

(Feb. 13, 1893, ch. 105, § 6, 27 Stat. 446.)

Effective Date

Section 8 of act Feb. 13, 1893, provided that this section shall be effective July 1, 1893.

Section Referred to in Other Sections

This section is referred to in sections 194, 1311 of this Appendix.

CHAPTER 11—OFFICERS AND CREWS OF VESSELS

Sec.
249. Merchant Marine distinguished service and meritorious service medals; award; restriction.
249a. Distinctive service ribbon bar; issuance; cost; replacements.
249b. Ship citation; issuance; award of plaque; citation ribbon bar.

Sec.
249c. Regulations governing manufacture, sale, possession, or display of decorations; penalties.

§ 249. Merchant Marine distinguished service and meritorious service medals; award; restriction

(a) The Secretary of Transportation is authorized, under such rules and regulations as he may prescribe, to provide and award: A merchant marine distinguished service medal to any person serving in the United States merchant marine who distinguishes himself by outstanding act, conduct or valor beyond the line of duty, and a merchant marine meritorious service medal to any person serving in the United States merchant marine for meritorious act, conduct, or service in line of duty, but not of such outstanding character as would warrant an award of the distinguished service medal.

(b) No more than one distinguished service medal or meritorious service medal shall be awarded to any one person, but for each succeeding act, conduct, or service justifying such an award, a suitable device may be awarded to be worn with the medal or ribbon. In case any person who so distinguishes himself or so acts or serves as to justify the award of a medal under this section dies before the award can be made to him, the award may be made and medal presented to such representatives of the deceased as the Secretary of Transportation deems proper.

(July 24, 1956, ch. 671, § 1, 70 Stat. 605; Aug. 6, 1981, Pub. L. 97-31, § 12(21), 95 Stat. 155.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(21), substituted "Transportation" for "Commerce" and struck out provision relating to concurrence of Secretary of the Treasury.

Subsec. (b). Pub. L. 97-31, § 12(21)(A), substituted "Transportation" for "Commerce".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 249c of this Appendix.

§ 249a. Distinctive service ribbon bar; issuance; cost; replacements

The Secretary of Transportation is authorized to provide and issue, under such rules and regulations as he may from time to time prescribe, a distinctive service ribbon bar to each master, officer, or member of the crew of any United States ship who serves or has served after June 30, 1950, in any time of war, or national emergency proclaimed by the President or by Congress, or during an operation by Armed Forces of the United States outside the continental United States, for such period of time and in such area or under such conditions of danger to life as the Secretary may set forth in regulations issued hereunder. Such bars shall be provided at cost by the Secretary or at reasonable prices by private persons when authorized for manufacture and sale by the Secretary. Whenever any bar presented under the provisions of this section is lost, destroyed, or rendered unfit for use, without fault or neglect of the owner, such bar may be replaced at cost by the Secretary or at reasonable prices by private persons authorized by him.

(July 24, 1956, ch. 671, § 2, 70 Stat. 605; Aug. 6, 1981, Pub. L. 97-31, § 12(21)(A), 95 Stat. 155.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Transportation" for "Commerce".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 249c of this Appendix.

§ 249b. Ship citation; issuance; award of plaque; citation ribbon bar

The Secretary of Transportation is authorized to issue a citation as public evidence of deserved honor and distinction to any United States ship or to any foreign ship which participates in outstanding or gallant action in marine disasters or other emergencies for the purpose of saving life or property. The Secretary of Transportation may award a plaque to a ship so cited, and a replica of such plaque may be preserved, under such rules and regulations as the Secretary may prescribe, as a permanent historic record. The Secretary of Transportation may also award an appropriate citation ribbon bar to the master or each person serving on board such ship at the time of the action for which citation is made, as public evidence of such honor and distinction. Whenever such master or person would be entitled hereunder to the award of an additional citation ribbon, a suitable device shall be awarded, in lieu thereof, to be attached to the ribbon originally awarded. In any case of a proposed award or citation to a foreign ship or to a master or person serving aboard such ship, such award or citation shall be subject to the concurrence of the Secretary of State.

(July 24, 1956, ch. 671, § 3, 70 Stat. 606; Aug. 6, 1981, Pub. L. 97-31, § 12(21), 95 Stat. 155.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Transportation" for "Commerce" and struck out provision respecting concurrence of Secretary of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 249c of this Appendix.

§ 249c. Regulations governing manufacture, sale, possession, or display of decorations; penalties

The manufacture, sale, possession, or display of any insignia, decoration, medal, device, or rosette thereof, or any colorable imitation of any insignia, decoration, medal or device, or rosette, provided for in sections 249 to 249c of this Appendix, or in any rule or regulation issued pursuant to said sections, is prohibited, except as authorized by said sections or any rule or regulation issued pursuant thereto. Whoever violates any provision of this section shall be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or both.

(July 24, 1956, ch. 671, § 4, 70 Stat. 606.)

REFERENCES IN TEXT

Sections 249 to 249c of this Appendix, referred to in text, was in the original "this Act", meaning act July 24, 1956, ch. 671, 70 Stat. 605, as amended, which enacted sections 249 to 249c of this Appendix, repealed sections 753 to 753f of Title 50, Appendix, War and National Defense, and enacted provision set out as a note under section 753f of Title 50, Appendix. For complete classification of this Act to the Code, see Tables.

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

CHAPTER 12—REGULATION OF VESSELS IN DOMESTIC COMMERCE

Sec.
- 251. Vessels employed in coasting trade or fisheries.
  - (a) Landing of catch of fish by foreign-flag vessels.
  - (b) Sale or transfer for immediate consumption.
  - (c) Forfeitures and penalties.
- 251a. Remission or mitigation of fines, penalties or forfeitures.
- 251b. Regulations.
- 262. Trade of documented vessel not to defraud revenue laws.
- 274. Surveyor's return of manifests and permits certified or received.
- 277. Inspection of documents.
- 289. Transportation of passengers in foreign vessels.
- 289a. Transportation of passengers in Canadian vessels between Rochester and Alexandria Bay.
- 289b. Transportation of passengers and merchandise in Canadian vessels between points in Alaska and United States.
- 289c. Transportation of passengers between Puerto Rico and other United States ports; foreign-flag vessels; unavailability of United States flag service.
  - (a) Authorization of transportation.
  - (b) Notification by Secretary; termination of services.
  - (c) Extension of termination period.
  - (d) Reinstatement of coastwise privileges.
  - (e) "Passenger vessel" defined.
- 290. Omitted.
- 291. Transshipment of imported merchandise intended for immediate exportation.
- 292. Dredging by foreign-built dredges.
- 293. Establishment of great districts.
- 293a. Additional great district.
- 293b. Omitted.
- 306. Trade between Alaska and other districts.
- 307. Regulations as to registered vessels in interdistrict trade.
- 308. Permit for inland transportation.
- 309. Penalty for failure to report arrival of merchandise transported inland.
- 310. Permit to touch at foreign port.
- 311. Penalty for touching at foreign port without permission.
- 312. Report of arrival at port other than that of destination.
- 313. Foreign vessels bound coastwise.
- 314. Delivery of manifest of foreign vessel.
- 315. Penalty against foreign vessels trading coastwise.
- 316. Use of foreign vessels in United States ports.
  - (a) Towing United States vessels; fines and penalties.

Sec.
  - (b) "Person" defined.
  - (c) Foreign railroad companies using ferries, tugboats, or towboats.
  - (d) Salvaging operations by foreign vessels.
  - (e) Operations permitted by treaty.
- 319. Civil penalties for trading without required certificate of documentation.
- 320. Remission or mitigation of fines.
- 321. Penalty for illegal enrollment or license.
- 322. Penalty for malfeasance.
- 323. Penalty for forgery and alteration.
- 324. Penalty for obstructing officers.
- 325. Penalty for violation of license.
- 326. Exemption from forfeiture.
- 327. Notice of seizure.
- 328. Recovery of forfeitures and penalties.
- 336. Canal boats exempt from enrollment, license, and customs fees.

CROSS REFERENCES

Custody and storage of vessels, vehicles, merchandise and baggage seized under laws relating to registering, enrolling, or licensing of vessels, see section 1605 of Title 19, Customs Duties.

§ 251. Vessels employed in coasting trade or fisheries

(a) Landing of catch of fish by foreign-flag vessels

Except as otherwise provided by treaty or convention to which the United States is a party, no foreign-flag vessel shall, whether documented as a cargo vessel or otherwise, land in a port of the United States its catch of fish taken on board such vessels on the high seas or fish products processed therefrom, or any fish or fish products taken on board such vessel on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products.

(b) Sale or transfer for immediate consumption

Subsection (a) of this section shall not be deemed to prohibit the landing by a foreign-flag vessel of not more than fifty feet overall length in a port of the Virgin Islands of the United States for immediate consumption in such islands of its catch of fresh fish, whole or with the heads, viscera, or fins removed, but not frozen, otherwise processed, or further advanced. No fish landed under this authorization shall be sold or transferred except for immediate consumption. Sale or transfer to an agent, representative, or employee of a freezer or cannery shall be deemed to be prohibited in the absence of satisfactory evidence that such sale or transfer is for immediate consumption. For the purposes of this subsection, the term "immediate consumption" shall not preclude the freezing, smoking, or other processing of such fresh fish by the ultimate consumer thereof.

(c) Forfeitures and penalties

Any fish landed in the Virgin Islands of the United States which are retained, sold, or transferred other than as authorized in subsection (b) of this section shall be liable to forfeiture and any person or persons retaining, selling, transferring, purchasing, or receiving such fish shall severally be liable to a penalty of $1,000 for each offense, in addition to any other penalty provided in law.

(R.S. § 4311; Sept. 2, 1950, ch. 842, 64 Stat. 577; Sept. 13, 1961, Pub. L. 87-220, § 1, 75 Stat. 493; Aug. 15, 1979, Pub. L. 96-61, § 2, 93 Stat. 407; Dec. 24, 1980, Pub. L. 96-594, title I, § 126(b), 94 Stat. 3459.)

CODIFICATION

R.S. § 4311 derived from acts Feb. 18, 1793, ch. 8, § 1, 1 Stat. 305; Apr. 18, 1874, ch. 110, 18 Stat. 31.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-594 struck out provisions relating to vessels entitled to privileges of vessels employed in coasting trade or fisheries, and provisions defining "fisheries".

1979—Subsec. (a). Pub. L. 96-61 added provision defining "fisheries".

1961—Pub. L. 87-220 designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

1950—Act Sept. 2, 1950, added second sentence to increase protection to American fishermen.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 128 of Pub. L. 96-594 provided in part that the amendment of this section by Pub. L. 96-594 is effective on the first day of the eighteenth month following December, 1980.

LANDING OF CATCH OF FISH BY FOREIGN VESSELS

Provisions of this section prohibiting the landing of fish in United States ports by foreign-flag vessels direct from fishing grounds unaffected by Pub. L. 87-814, see section 6 of Pub. L. 87-814, set out as a note under section 951 of Title 16, Conservation.

CROSS REFERENCES

Exemption from requirements of this section—
- Canal boats or boats employed on internal waters or canals of any state, see section 336 of this Appendix.
- Entry and clearance fees and tonnage taxes, enrolled, licensed, or registered vessels, see sections 111, 122, and 123 of this Appendix.

§ 251a. Remission or mitigation of fines, penalties or forfeitures

Any fine, penalty, or forfeiture incurred under the provisions of this Act shall be subject to remission or mitigation in accordance with section 2107(b) of title 46.

(Pub. L. 87-220, § 2, Sept. 13, 1961, 75 Stat. 493.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-220, Sept. 13, 1961, 75 Stat. 493, which enacted sections 251a and 251b of this Appendix, and amended section 251 of this Appendix. For complete classification of this Act to the Code, see Tables.

"Section 2107(b) of title 46" was substituted in text for "section 5294 of the Revised Statutes, as amended (46 U.S.C. 7)" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

§ 251b. Regulations

The Secretary of the Treasury may issue such regulations as he deems necessary for the enforcement of the provisions of this Act.

(Pub. L. 87-220, § 3, Sept. 13, 1961, 75 Stat. 493.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-220, Sept. 13, 1961, 75 Stat. 493, which enacted sections 251a and 251b of this Appendix, and amended section 251 of this Appendix. For complete classification of this Act to the Code, see Tables.

§ 262. Trade of documented vessel not to defraud revenue laws

No documented vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded.

(R.S. § 4320; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 251; Jan. 16, 1895, ch. 24, § 3, 28 Stat. 625; Dec. 24, 1980, Pub. L. 96-594, title I, § 126(c), 94 Stat. 3459.)

CODIFICATION

R.S. § 4320 derived from act Feb. 18, 1793, ch. 8, § 4, 1 Stat. 306.

R.S. § 4320, as originally enacted, was as follows: "In order to the licensing of any vessel for carrying on the coasting-trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty tons, the sum of one hundred dollars; and if twenty tons and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded, during the time the license granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong, the duty of six cents per ton being first paid, to grant a license."

It was amended by act Feb. 27, 1877, by striking out the words "the duty of six cents per ton being first paid."

It was amended generally by act Jan. 16, 1895.

AMENDMENTS

1980—Pub. L. 96-594 substituted "documented" for "licensed", and struck out provisions respecting oaths required of master, etc.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 128 of Pub. L. 96-594 provided in part that the amendment of this section by Pub. L. 96-594 is effective on the first day of the eighteenth month following December, 1980.

CROSS REFERENCES

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 274. Surveyor's return of manifests and permits certified or received

Every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in title 50 of the Revised Statutes, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

(R.S. § 4332; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740.)

References in Text

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

Codification

R.S. § 4332 derived from act Feb. 18, 1793, ch. 8, § 25, 1 Stat. 315.

Amendments

1930—Act June 17, 1930, repealed requirement of signing of documents by Comptroller of Customs (originally naval officers).

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 277. Inspection of documents

Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of $100, unless the failure to do so is willful, in which case he shall be liable to a penalty of $1,000 and to a fine of not more than $1,000 or imprisonment for not more than one year, or both.

(R.S. § 4336; Aug. 5, 1935, ch. 438, title III, § 312, 49 Stat. 528; Aug. 30, 1957, Pub. L. 85-237, § 2, 71 Stat. 518.)

Codification

R.S. § 4336 derived from act Feb. 18, 1793, ch. 8, § 13, 1 Stat. 309.

Amendments

1957—Pub. L. 85-237 provided for penalties against other officer in charge or command of vessel and by excepting vessels which are not required by regulation of the Secretary of Treasury to exhibit their documents on board.

1935—Act Aug. 5, 1935, amended section by providing for inspection of the register or any document and punishment for willful failure to exhibit document.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Definition of enrollment, license, or register with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 289. Transportation of passengers in foreign vessels

No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed.

(June 19, 1886, ch. 421, § 8, 24 Stat. 81; Feb. 17, 1898, ch. 26, § 2, 30 Stat. 248.)

Codification

Act Feb. 17, 1898, increased from $2 to $200 the penalty for transporting passengers in foreign vessels.

Cross References

Remission or mitigation of fines, see section 320 of this Appendix.

Transportation of merchandise between points in United States in other than domestic-built and documented vessels, see section 883 of this Appendix.

Transportation of passengers and merchandise in Canadian vessels between points in Alaska and United States, see section 289b of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 289a, 320 of this Appendix.

§ 289a. Transportation of passengers in Canadian vessels between Rochester and Alexandria Bay

Until such time as passenger service shall be established by vessels of the United States between the port of Rochester, New York, and the port of Alexandria Bay, New York, the Commissioner of Customs is authorized in his discretion to issue annually permits to Canadian passenger vessels to transport passengers between these ports; such Canadian vessels holding such permits not to be subject to the provisions of section 289 of this Appendix.

(Apr. 26, 1938, ch. 174, 52 Stat. 223; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

§ 289b. Transportation of passengers and merchandise in Canadian vessels between points in Alaska and United States

Notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation until the Secretary of Transportation determines that United States-flag service is available to provide such transportation.

(Pub. L. 87-77, June 30, 1961, 75 Stat. 196; Pub. L. 97-31, § 12(22), Aug. 6, 1981, 95 Stat. 155.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

SIMILAR PROVISIONS

Temporary provisions which authorized transportation of passengers and merchandise in Canadian vessels between points in Alaska and United States, were contained in the following acts:

Apr. 5, 1960, Pub. L. 86-410, 74 Stat. 16.
July 31, 1959, Pub. L. 86-126, 73 Stat. 272.
June 30, 1958, Pub. L. 85-473, 72 Stat. 244.
July 11, 1957, Pub. L. 85-103, 71 Stat. 294.
Apr. 18, 1956, ch. 207, 70 Stat. 114.
May 7, 1955, ch. 35, 69 Stat. 47.
June 29, 1954, ch. 413, 68 Stat. 321.
July 16, 1953, ch. 201, 67 Stat. 175.
June 11, 1952, ch. 391, 66 Stat. 133.
June 27, 1951, ch. 153, 65 Stat. 90.
June 29, 1950, ch. 409, 64 Stat. 301.
Aug. 22, 1949, ch. 493, 63 Stat. 622.

§ 289c. Transportation of passengers between Puerto Rico and other United States ports; foreign-flag vessels; unavailability of United States flag service

(a) Authorization of transportation

Notwithstanding any other provision of law, passengers may be transported on passenger vessels not qualified to engage in the coastwise trade between ports in Puerto Rico and other ports in the United States, directly or by way of a foreign port, except as otherwise provided in this section.

(b) Notification by Secretary; termination of services

(1) Upon a showing to the Secretary of Transportation, by the vessel owner or charterer, that service aboard a United States passenger vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each vessel transporting passengers under authority of this section that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator under this section shall expire on the 270th day following the Secretary's notification.

(2) Upon a showing to the Secretary, by the vessel owner or charterer, that service aboard a United States passenger vessel not qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each foreign-flag vessel transporting passengers under authority of this section that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator of a foreign-flag vessel transporting passengers under authority of this section shall expire on the 270th day following the Secretary's notification.

(c) Extension of termination period

If, at the expiration of the 270-day period specified in subsections (b)(1) and (b)(2) of this section, the vessel that has been offering or advertising service pursuant to a certificate described in either of those subsections has not entered the coastwise passenger trade between ports in Puerto Rico and other ports in the United States, then the termination of service required by either of those subsections shall not be required until 90 days following the entry into that trade by the United States vessel.

(d) Reinstatement of coastwise privileges

Any coastwise privileges granted in this section that expire under subsection (b)(1) or (b)(2) of this section shall be reinstated upon a determination by the Secretary that the service on which the expiration of the privileges was based is no longer available.

(e) "Passenger vessel" defined

For the purposes of subsections (b)(1) and (b)(2) of this section, the term "passenger vessel" means any vessel of similar size or offering service comparable to any other vessel transporting passengers under authority of this section.

(Pub. L. 98-563, Oct. 30, 1984, 98 Stat. 2916.)

§ 290. Omitted

CODIFICATION

Section, act Feb. 17, 1898, ch. 26, § 1, 30 Stat. 248, related to transportation of merchandise in foreign vessels. See section 883 of this Appendix.

§ 291. Transshipment of imported merchandise intended for immediate exportation

Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of the Treasury is authorized to prescribe regulations for the transshipment and transportation of such merchandise.

(Feb. 17, 1898, ch. 26, § 3, 30 Stat. 248.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 446b of this Appendix.

§ 292. Dredging by foreign-built dredges

A foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

(May 28, 1906, ch. 2566, § 1, 34 Stat. 204.)

§ 293. Establishment of great districts

The seacoasts and navigable rivers of the United States and Puerto Rico shall be divided into five great districts: The first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Puerto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii.

(R.S. § 4348; May 12, 1906, ch. 2453, § 1, 34 Stat. 190; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

R.S. § 4348 derived from acts Mar. 2, 1819, ch. 48, § 1, 3 Stat. 492; May 7, 1822, ch. 62, § 11, 3 Stat. 685.

R.S. § 4348, prior to its amendment by act May 12, 1906, was as follows: "The seacoast and navigable rivers of the United States shall be divided into three great districts: The first to include all the collection-districts on the sea-coast and navigable rivers, between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido."

CHANGE OF NAME

The name of "Porto Rico" was changed to "Puerto Rico" by act May 17, 1932.

EFFECTIVE DATE OF 1906 AMENDMENT

Amendment by act May 12, 1906, effective on and after Jan. 1, 1907, see section 2 of act May 12, 1906.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959 upon the issuance of Proc. No. 3269, Jan. 5, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959 upon the issuance of Proc. No. 3309, Aug. 25, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 293a of this Appendix.

§ 293a. Additional great district

There is created, in addition to the five great districts provided by section 293 of this Appendix, a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York.

(July 3, 1926, ch. 757, § 1, 44 Stat. 832.)

SEAMEN'S RIGHTS AND PRIVILEGES UNAFFECTED

Section 2 of act July 3, 1926, provided that nothing in this section should affect the rights or privileges reserved to seamen under law existing on July 3, 1926.

§ 293b. Omitted

CODIFICATION

Section, act July 3, 1926, ch. 757, § 2, 44 Stat. 832, provided that vessels operating in the district created by section 293a of this Appendix should be subject to the requirements of sections 294 to 297 of former Title 46, Shipping, which were repealed by act June 8, 1940, ch. 284, 54 Stat. 254.

§ 306. Trade between Alaska and other districts

The coasting trade between the Territory of Alaska and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts.

(R.S. § 4358; Aug. 24, 1912, ch. 387, § 1, 37 Stat. 512.)

CODIFICATION

R.S. § 4358 derived from act July 27, 1868, ch. 273, § 15, 5 Stat. 241.

Upon incorporation into the Code, the words "Territory of Alaska" were substituted for "territory ceded to the United States by the Emperor of Russia" to conform to act Aug. 24, 1912. See section 21 of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Great districts, establishment, see sections 293 and 293a of this Appendix.

§ 307. Regulations as to registered vessels in interdistrict trade

Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law.

(R.S. § 4361.)

CODIFICATION

R.S. § 4361 derived from act Feb. 18, 1793, ch. 8, § 20, 1 Stat. 313.

CROSS REFERENCES

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 308. Permit for inland transportation

The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than $800, the permit shall not be deemed necessary.

(R.S. § 4362.)

CODIFICATION

R.S. § 4362 derived from act Feb. 18, 1793, ch. 8, § 19, 1 Stat. 313.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

CROSS REFERENCES

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Merchandise may be entered for transportation in bond without appraisement to any other port of entry, see section 1552 of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 309 of this Appendix.

§ 309. Penalty for failure to report arrival of merchandise transported inland

The owner or consignee of all merchandise transported under the provisions of section 308 of this Appendix and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of $50 for every twenty-four hours it shall be withheld afterward.

(R.S. § 4363.)

CODIFICATION

R.S. § 4363 derived from act Feb. 18, 1793, ch. 8, § 19, 1 Stat. 313.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

CROSS REFERENCES

Merchandise may be entered for transportation in bond without appraisement to any other port of entry, see section 1552 of Title 19, Customs Duties.

§ 310. Permit to touch at foreign port

Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

(R.S. § 4364.)

Codification

R.S. § 4364 derived from act Feb. 18, 1793, ch. 8, § 21, 1 Stat. 313.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 311 of this Appendix.

§ 311. Penalty for touching at foreign port without permission

Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by section 310 of this Appendix, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

(R.S. § 4365.)

Codification

R.S. § 4365 derived from act Feb. 18, 1793, ch. 8, § 21, 1 Stat. 313.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 312. Report of arrival at port other than that of destination

The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of $20.

(R.S. § 4366.)

Codification

R.S. § 4366 derived from act Feb. 18, 1793, ch. 8, § 22, 1 Stat. 314.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 313. Foreign vessels bound coastwise

The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

(R.S. § 4367.)

Codification

R.S. § 4367 derived from act Feb. 18, 1793, ch. 8, § 24, 1 Stat. 314.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 315 of this Appendix; title 33 sections 1904, 1908.

§ 314. Delivery of manifest of foreign vessel

The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

(R.S. § 4368.)

CODIFICATION

R.S. § 4368 derived from act Feb. 18, 1793, ch. 8, § 24, 1 Stat. 314.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

CROSS REFERENCES

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315 of this Appendix.

§ 315. Penalty against foreign vessels trading coastwise

Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of sections 313 and 314 of this Appendix, shall be liable to a penalty of $100. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

(R.S. § 4369.)

CODIFICATION

R.S. § 4369 derived from act Feb. 18, 1793, ch. 8, § 24, 1 Stat. 314.

CROSS REFERENCES

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 316. Use of foreign vessels in United States ports

(a) Towing United States vessels; fines and penalties

It shall be unlawful for any vessel not wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels and not having in force a certificate of registry, a certificate of enrollment, or a license, issued pursuant to title 48 or title 50 of the Revised Statutes or a certificate of award of number issued pursuant to the Act of June 7, 1918, as amended (46 U.S.C. 288), to tow any vessel other than a vessel of foreign registry, or a vessel in distress, from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same, either directly or by way of a foreign port or place, or to do any part of such towing, or to tow any such vessel, from point to point within the harbors of such places. The owner and master of any vessel towing another vessel in violation of the provisions of this section shall each be liable to a fine of not less than $250 nor more than $1,000, which fines shall constitute liens upon the offending vessel enforceable through the district court of the United States for any district in which such vessel may be found, and clearance shall not be granted to such vessel until the fines have been paid. The towing vessel shall also be further liable to a penalty of $50 per ton on the measurement of every vessel towed in violation of this section, which sum may be recovered by way of libel or suit.

(b) "Person" defined

The term "person" as used in subsection (a) of this section, shall be held to include persons, firms, partnerships, associations, organizations, and corporations, doing business or existing under or by the authority of the laws of the United States, or of any State, Territory, district, or other subdivision thereof.

(c) Foreign railroad companies using ferries, tugboats, or towboats

Any foreign railroad company or corporation, whose road enters the United States by means of a ferry, tugboat, or towboat, may own such vessel and operate the same in connection with the water transportation of the passenger, freight, express, baggage, and mail cars used by such road, together with the passengers, freight, express matter, baggage, and mails transported in such cars, without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country: *Provided*, That except as authorized by section 883 of this Appendix, such ferry, tugboat, or towboat shall not, under penalty of forfeiture, be used in connection with the transportation of any merchandise shipped from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same.

(d) Salvaging operations by foreign vessels

No foreign vessel shall, under penalty of forfeiture, engage in salvaging operations on the Atlantic or Pacific coast of the United States, in any portion of the Great Lakes or their connecting or tributary waters, including any portion of the Saint Lawrence River through which the international boundary line extends, or in territorial waters of the United States on the Gulf of Mexico, except when authorized by a treaty or in accordance with the provisions of section 725 of this Appendix: *Provided, however*, That if, on investigation, the Commissioner of Customs is satisfied that no suitable vessel wholly owned by a person who is a citizen of the United States and documented under the laws of the United States or numbered pursuant to the Act of June 7, 1918, as amended (46 U.S.C. 288), is available in any particular locality he may authorize the use of a foreign vessel or vessels in salvaging operations in that locality and no penalty shall be incurred for such authorized use.

(e) Operations permitted by treaty

Nothing in this section shall be held or construed to prohibit or restrict any assistance to vessels or salvage operations authorized by article II of the treaty between the United States and Great Britain "concerning reciprocal rights for United States and Canada in the conveyance of prisoners and wrecking and salvage" signed at Washington, May 18, 1908 (35 Stat. 2036), or by the treaty between the United States and Mexico "to facilitate assistance to and salvage of vessels in territorial waters", signed at Mexico City, June 13, 1935 (49 Stat. 3359).

(R.S. § 4370; June 11, 1940, ch. 324, 54 Stat. 304; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16 1946, 11 F.R. 7875, 60 Stat. 1097.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in subsec. (a), consists of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

Title 50 of the Revised Statutes, referred to in subsec. (a), consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

The Act of June 7, 1918, referred to in subsecs. (a) and (d), was classified to section 288 of former Title 46, Shipping, and was repealed by Pub. L. 85–911, § 12, Sept. 2, 1958, 72 Stat. 1758, eff. Apr. 1, 1960. Provisions relating to numbering of vessels are contained in section 12301 et seq. of Title 46, Shipping.

CODIFICATION

R.S. § 4370 derived from acts July 18, 1866, ch. 201, § 21, 14 Stat. 183; Feb. 25, 1867, ch. 78, 14 Stat. 410.

AMENDMENTS

1940—Subsec. (a). Act June 11, 1940, expanded subsec. (a) to include all vessels and increased the penalties for violations.

Subsecs. (b) to (e). Act June 11, 1940, added subsecs. (b) to (e).

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" in subsec. (d) on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Canadian vessels aiding vessels wrecked or disabled in United States waters, see section 725 of this Appendix.

Corporation meeting certain conditions deemed citizen for purposes of this section, see section 883–1 of this Appendix.

Definition of enrollment, license, or register with respect to vessel documentation, see section 12101 of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883–1 of this Appendix.

§ 319. Civil penalties for trading without required certificate of documentation

Whenever a vessel, entitled to be documented and not so documented, is employed in a trade for which certificates of documentation are issued under the vessel documentation laws, other than a trade covered by a registry, the vessel is liable to a civil penalty of $500 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise.

(June 19, 1886, ch. 421, § 7, 24 Stat. 81; Aug. 5, 1935, ch. 438, title III, § 314, 49 Stat. 529; Dec. 24, 1980, Pub. L. 96–594, title I, § 126(e), 94 Stat. 3459.)

AMENDMENTS

1980—Pub. L. 96–594 substituted provisions relating to violations and penalties for employment in a trade of a vessel entitled to be documented but not so documented for provisions relating to fines and penalties for trading without a license by a vessel twenty tons or upward, and struck out provisions respecting expiration of a license while a vessel is at sea.

1935—Act Aug. 5, 1935, provided for forfeiture, to deem marks, etc., prima facie evidence of foreign origin of merchandise, and to substitute "said fine or forfeiture" for "said fine of $30" in last sentence.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 128 of Pub. L. 96–594 provided in part that the amendment of this section by Pub. L. 96–594 is effective on the first day of the eighteenth month following December, 1980.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 320 of this Appendix.

§ 320. Remission or mitigation of fines

The fines imposed by sections 45, 77, 289, and 319 of this Appendix shall be subject to remission or mitigation by the Commissioner of Customs when the offense was not willfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable.

(June 19, 1886, ch. 421, § 9, 24 Stat. 81; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

References in Text

Section 45 of this Appendix, referred to in text, was repealed by Pub. L. 96–594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury," to conform to acts Feb. 14, 1903, and Mar. 4, 1913.

Administrative Delegation of Functions by Secretary of the Treasury

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

Cross References

Forfeitures, see sections 5601 et seq. and 7301 et seq. of Title 26, Internal Revenue Code.

Jurisdiction, fine, penalty or forfeiture, see section 1355 of Title 28, Judiciary and Judicial Procedure.

Mitigation, refunding and remission of penalties under laws relating to vessels, seamen, and customs, see sections 2107(b) and 2108 of Title 46, Shipping, and section 1618 of Title 19, Customs Duties.

§ 321. Penalty for illegal enrollment or license

Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of title 50 of the Revised Statutes, or takes any other or greater fees than are by such title 50 allowed, or receives for any service performed pursuant to such title 50, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or such officer or employee as the Secretary of the Treasury shall designate a false description of any vessel, to be enrolled or licensed, in pursuance of such title 50, shall be liable to a penalty of $500, and be rendered incapable of serving in any office of trust or profit under the United States.

(R.S. § 4373; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740; Aug. 8, 1953, ch. 397, § 2(d), 67 Stat. 508.)

References in Text

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

Codification

R.S. 4373 derived from act Feb. 18, 1793, ch. 8, § 29, 1 Stat. 315.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Upon incorporation into the Code, the words "comptroller of customs" were substituted for "naval officer" to conform to act Sept. 21, 1922, ch. 356, § 523, 42 Stat. 974, which was repealed by section 651(a)(1) of act June 17, 1930. Section 523 of act June 17, 1930, classified to section 1523 of Title 19, Customs Duties, continued naval officers of customs as comptrollers of customs. Section 523 of act June 17, 1930, was amended by act Aug. 8, 1953, which omitted references to comptrollers of customs and substituted reference to the Secretary of the Treasury or such officer or employee as he shall designate. The words "such officer or employee as the Secretary of the Treasury shall designate" were substituted for "comptrollers of customs" to reflect such change.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Definition of enrollment or license with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Section Referred to in Other Sections

This section is referred to in section 322 of this Appendix.

§ 322. Penalty for malfeasance

Every person, authorized and required by title 50 of the Revised Statutes to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of such title 50, shall, if not subject to the penalty and disqualifications prescribed in section 321 of this Appendix, be liable to a penalty of $500 for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

(R.S. § 4374.)

References in Text

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

CODIFICATION

R.S. § 4374 derived from act Feb. 18, 1793, ch. 8, § 29, 1 Stat. 315.

§ 323. Penalty for forgery and alteration

Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in title 50 of the Revised Statutes, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of $500.

(R.S. § 4375.)

REFERENCES IN TEXT

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

CODIFICATION

R.S. § 4375 derived from act Feb. 18, 1793, ch. 8, § 30, 1 Stat. 316.

CROSS REFERENCES

Definition of enrollment or license with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Ship's papers, counterfeiting and forgery, see section 507 of Title 18, Crimes and Criminal Procedure.

§ 324. Penalty for obstructing officers

Every person who assaults, resists, obstructs, or hinders any officer in the execution of any Act or law relating to the enrollment, registry, or licensing of vessels, or of title 50 of the Revised Statutes, or of any of the powers or authorities vested in him by any such Act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of $500.

(R.S. § 4376.)

REFERENCES IN TEXT

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

CODIFICATION

R.S. § 4376 derived from act Feb. 18, 1793, ch. 8, § 31, 1 Stat. 316.

CROSS REFERENCES

Assault, penalty, see section 111 et seq. of Title 18, Crimes and Criminal Procedure.

§ 325. Penalty for violation of license

Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel and furniture, and the cargo, found on board her, shall be forfeited. For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessel, shall be prima facie evidence of the foreign origin of such merchandise.

(R.S. § 4377; Aug. 5, 1935, ch. 438, title III, § 313, 49 Stat. 528; Dec. 24, 1980, Pub. L. 96-594, title I, § 126(d), 94 Stat. 3459.)

CODIFICATION

R.S. § 4377 derived from acts Feb. 18, 1793, ch. 8, § 32, 1 Stat. 316; Apr. 20, 1836, ch. 55, 5 Stat. 16.

AMENDMENTS

1980—Pub. L. 96-594 struck out provisions relating to vessels licensed for the mackerel fishery.

1935—Act Aug. 5, 1935, subjected to forfeiture any vessel employed in any trade whereby revenue of the United States is defrauded or which is found with merchandise of foreign growth or manufacture or any domestic alcoholic liquors on which duties or taxes have not been paid and added sentence making marks, etc., prima facie evidence of foreign origin of merchandise.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 128 of Pub. L. 96-594 provided in part that the amendment of this section by Pub. L. 96-594 is effective on the first day of the eighteenth month following December, 1980.

CROSS REFERENCES

Boarding vessels; search of persons and baggage, regulations, see sections 1581 and 1582 of Title 19, Customs Duties.

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

Definition of license with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Fine, penalty or forfeiture, jurisdiction, see section 1355 of Title 28, Judiciary and Judicial Procedure.

Forfeitures, see sections 5601 et seq. and 7301 et seq. of Title 26, Internal Revenue Code.

Mitigation, refunding and remission of penalties under laws relating to vessels, seamen, and customs, see sections 2107(b) and 2108 of Title 46, Shipping, and section 1618 of Title 19, Customs Duties.

Nationality and naturalization, see section 1401 et seq. of Title 8, Aliens and Nationality.

Seizures, see section 1602 et seq. of Title 19, Customs Duties.

Ship's papers, counterfeiting and forgery, see section 507 of Title 18, Crimes and Criminal Procedure.

§ 326. Exemption from forfeiture

Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under title 50 of the Revised Statutes.

(R.S. § 4378.)

REFERENCES IN TEXT

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

Codification

R.S. § 4378 derived from act Feb. 18, 1793, ch. 8, § 33, 1 Stat. 316.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 327. Notice of seizure

In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

(R.S. § 4379.)

Codification

R.S. § 4379 derived from act Feb. 18, 1793, ch. 8, § 28, 1 Stat. 315.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Cross References

Canal boats or boats employed on internal waters or canals of any state, exemption from requirements of this section, see section 336 of this Appendix.

§ 328. Recovery of forfeitures and penalties

All penalties and forfeitures which shall be incurred by virtue of title 50 of the Revised Statutes may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.

(R.S. § 4380.)

References in Text

Title 50 of the Revised Statutes, referred to in text, consists of R.S. §§ 4311 to 4390. For complete classification of R.S. §§ 4311 to 4390 to the Code, see Tables.

Codification

R.S. § 4380 derived from act Feb. 18, 1793, ch. 8, § 35, 1 Stat. 317.

Cross References

Enforcement of penalties and forfeitures under the customs laws, see section 1581 et seq. of Title 19, Customs Duties.

§ 336. Canal boats exempt from enrollment, license, and customs fees

The act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

(Apr. 18, 1874, ch. 110, 18 Stat. 31.)

References in Text

The act to which this is a supplement, and the said act, referred to in text, mean act Feb. 18, 1793, ch. 8, 1 Stat. 305, entitled "An Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same", which was incorporated into the Revised Statutes of 1878 as R.S. §§ 919, 923, 938, 941, 4311, 4312, 4319 to 4327, 4331 to 4338, 4349 to 4356, 4359 to 4369, 4371 to 4381, 4383, and 4385. For complete classification of such Revised Statutes sections to the Code, see Tables.

CHAPTER 13—PASSPORTS AND PAPERS OF VESSELS ENGAGED IN FOREIGN COMMERCE

Sec.
351 to 353. Omitted.
354. Deposit of ship's papers with consul.
355. Penalty for failure.

§§ 351 to 353. Omitted

Codification

Sections 351 to 353 were omitted in view of the discontinuance of passports and sea letters by Presidential proclamation on Apr. 10, 1815.

Section 351, R.S. § 4306, related to passports for United States vessels on departure to foreign countries.

Section 352, R.S. § 4307, related to the penalty for departing without a passport.

Section 353, R.S. § 4308, related to passports of unregistered vessels.

§ 354. Deposit of ship's papers with consul

Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, with the consul or vice consul, if any there be at such port; and it shall be the duty of such consul or vice consul, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers.

(R.S. § 4309; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Codification

R.S. § 4309 derived from act Feb. 28, 1803, ch. 9, § 2, 2 Stat. 203.

The words "commercial agent, or vice-commercial agent" following vice-consul were omitted upon the abolition of the grade of commercial agent by act Apr. 5, 1906.

As originally enacted, this section also required the deposit of sea letters and passports. The use of such documents was discontinued by Presidential proclamation on Apr. 10, 1815.

Cross References

Consular fees for services to American vessels or seamen prohibited, see section 4206 of Title 22, Foreign Relations and Intercourse.

Retention of papers of American vessels by consular officers until payment of demands and wages, see section 4205 of Title 22.

Section Referred to in Other Sections

This section is referred to in section 355 of this Appendix.

§ 355. Penalty for failure

Every master of any such vessel who refuses or neglects to deposit the papers as required by section 354 of this Appendix, shall be liable to a penalty of $500, to be recovered by such consul or vice consul, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

(R.S. § 4310; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Codification

R.S. § 4310 derived from act Feb. 28, 1803, ch. 9, § 2, 2 Stat. 203.

The words "commercial agent, or vice-commercial agent" following vice-consul were omitted upon the abolition of the grade of commercial agent by act Apr. 5, 1906.

CHAPTER 14—INSPECTION OF STEAM VESSELS

SUBCHAPTER III—APPOINTMENT, QUALIFICATIONS, DUTIES, AND SALARIES OF INSPECTORS AND OTHER OFFICERS

Sec.
382b-1. Reimbursements for inspection or examination of documented vessels at foreign ports or places credited to appropriation for operating expenses of Coast Guard.

SUBCHAPTER V—MODE, MANNER, AND EXTENT OF INSPECTION; CERTIFICATES; RECORDS

420. Permits exempting specific cargo-carrying vessels in Alaska from inspection, etc., requirements.
  (a) Authority to issue; provisions subject to exemption.
  (b) Prerequisites for issuance.
  (c) Limitation on operations subsequent to issuance.
  (d) Terms and conditions.
  (e) Dangerous condition, manner of operation, etc., of vessel; remedies available to designated Coast Guard official.
  (f) Revocation; civil penalty.

SUBCHAPTER VII—OCEANOGRAPHIC RESEARCH VESSELS

441. Exemption of oceanographic research vessels from inspection laws; definitions.
443. Vessel not engaged in trade or commerce.
444. Scientific personnel not considered seamen.

SUBCHAPTER VIII—SAILING SCHOOL VESSELS

Sec.
446. Sailing school students and sailing school instructors without seamen status under steam-vessel and merchant seamen provisions or maritime law doctrines.
446a. Financial responsibility; minimum amount; evidence.
446b. Sailing school vessel without status of merchant vessel or vessel engaged in trade or commerce.
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SUBCHAPTER III—APPOINTMENT, QUALIFICATIONS, DUTIES, AND SALARIES OF INSPECTORS AND OTHER OFFICERS

§ 382b-1. Reimbursements for inspection or examination of documented vessels at foreign ports or places credited to appropriation for operating expenses of Coast Guard

When an inspection or examination of a vessel documented or to be documented as a vessel of the United States is conducted at a foreign port or place at the request of the owner or operator of the vessel, that owner or operator shall reimburse the Secretary of the department in which the Coast Guard is operating for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(Pub. L. 96-376, § 8, Oct. 3, 1980, 94 Stat. 1510.)

Restatement

Section was restated in section 3317(b) of Title 46, Shipping, as enacted by Pub. L. 98-89.

SUBCHAPTER V—MODE, MANNER, AND EXTENT OF INSPECTION; CERTIFICATES; RECORDS

§ 420. Permits exempting specific cargo-carrying vessels in Alaska from inspection, etc., requirements

(a) Authority to issue; provisions subject to exemption

In order to minimize hardships and to aid inhabitants of certain remote areas in the State of Alaska, the Secretary of the Department in which the Coast Guard is operating is authorized to issue permits exempting specific cargo-carrying vessels from all or part of the requirements of the following laws and the regulations issued thereunder—

(1) to (3) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 605.

(4) section 88 of this Appendix.

(b) Prerequisites for issuance

A permit issued pursuant to subsection (a) of this section may be granted only to a vessel engaged in transporting cargo, including bulk fuel, from point to point within the State of Alaska and only if—

(1) the vessel does not exceed three hundred gross tons;

(2) the vessel is in a condition which does not present an immediate threat to the safety of life or the environment; and

(3) the vessel was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel which was operating in the waters off Alaska as of June 1, 1976, if the vessel which is being replaced is no longer in service.

(c) Limitation on operations subsequent to issuance

Except in a situation declared to be an emergency by the Secretary of the department in which the Coast Guard is operating a vessel operating under permit may not transport cargo to or from a point if the cargo could be transported by another commercial vessel which is reasonably available and which does not require exemptions to legally operate or if the cargo could be readily transported by overland routes.

(d) Terms and conditions

A permit may be issued for a specific voyage or for a period of time not exceeding one year. The permit may impose specific requirements as to the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and any restrictions contained therein shall be at the sole discretion of the Secretary or his delegate.

(e) Dangerous condition, manner of operation, etc., of vessel; remedies available to designated Coast Guard official

If a designated Coast Guard official has reason to believe that a vessel to which a permit has been issued is in a condition or is used in a manner which creates an immediate threat to the safety of life or the environment or is operated in a manner which is inconsistent with the terms of the permit, the official may direct the operator to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(f) Revocation; civil penalty

If a vessel to which a permit has been issued creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of subsection (c) of this section, the permit may be revoked. The owner, master, or person in charge of a vessel to which a permit is issued, who willfully permits the vessel to be used or uses the vessel in a manner inconsistent with the terms of the permit or subsection (c) of this section, shall be liable to a civil penalty of not more than $1,000.

(Pub. L. 94-406, § 8, Sept. 10, 1976, 90 Stat. 1236; Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 605.)

AMENDMENTS

1983—Subsec. (a)(1) to (3). Pub. L. 98-89 struck out pars. (1), (2), and (3) which had referred, respectively, to sections 391, 391a, and 404 of former Title 46, Shipping. See sections 3302 and 3306 of Title 46, Shipping.

SUBCHAPTER VII—OCEANOGRAPHIC RESEARCH VESSELS

§ 441. Exemption of oceanographic research vessels from inspection laws; definitions

As used in this subchapter—

(1) the term "oceanographic research vessel" means a vessel which the Secretary of the department in which the Coast Guard is operating finds is being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, including, but not limited to, such studies pertaining to the sea as seismic, gravity meter and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research;

(2) the term "scientific personnel" means persons who are aboard a vessel solely for the purpose of engaging in scientific research, instructing, or receiving instruction, in oceanography or limnology.

(Pub. L. 89-99, § 1, July 30, 1965, 79 Stat. 424.)

RESTATEMENT

Section was restated in part in section 2101(18), (31) of Title 46, Shipping, as enacted by Pub. L. 98-89.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

§ 443. Vessel not engaged in trade or commerce

An oceanographic research vessel shall not be deemed to be engaged in trade or commerce.

(Pub. L. 89-99, § 3, July 30, 1965, 79 Stat. 424.)

§ 444. Scientific personnel not considered seamen

Scientific personnel on an oceanographic research vessel shall not be considered seamen under the provisions of title 53 of the Revised Statutes and Act [1] amendatory thereof or supplementary thereto.

(Pub. L. 89-99, § 4, July 30, 1965, 79 Stat. 424.)

RESTATEMENT

Section was restated in part in section 8701(a)(5) of Title 46, Shipping, as enacted by Pub. L. 98-89.

REFERENCES IN TEXT

Title 53 of the Revised Statutes, referred to in text, consisted of R.S. §§ 4501 to 4612, which were classified to sections 541 to 543, 545 to 549, 561, 562, 564 to 571, 574 to 578, 591 to 597, 600, 602 to 605, 621 to 628, 641 to 643, 644, 645, 651 to 660, 661 to 669, 674 to 679, 681 to 687, 701 to 710, and 711 to 713 of former Title 46, Shipping. For complete classification of R.S. §§ 4501 to 4612 to the Code, see Tables. A majority of such sections of the Revised Statutes were repealed and various provisions thereof were reenacted in Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For disposition of sections of former Title 46 into revised Title 46, see Table at beginning of Title 46.

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[1] So in original. Probably should be "Acts".

SUBCHAPTER VIII—SAILING SCHOOL VESSELS

§ 446. Sailing school students and sailing school instructors without seamen status under steamvessel and merchant seamen provisions or maritime law doctrines

Sailing school students and sailing school instructors shall not be considered to be seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

(Pub. L. 97-322, title II, § 204, Oct. 15, 1982, 96 Stat. 1589.)

REFERENCES IN TEXT

Title 52 of the Revised Statutes, referred to in text, consisted of R.S. §§ 4399 to 4500, which were classified to sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230 to 234, 239, 240, 361, 362, 364, 371 to 373, 375 to 382, 384, 385, 391, 391a, 392 to 394, 399 to 404, 405 to 416, 435 to 440, 451 to 453, 460, 461 to 463, 464, 466, 467 to 482, and 489 to 498 of former Title 46, Shipping. For complete classification of R.S. §§ 4399 to 4500 to the Code, see Tables. A majority of such sections of the Revised Statutes were repealed and various provisions thereof were reenacted in Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For disposition of sections of former Title 46 into revised Title 46, see Table at beginning of Title 46.

Title 53 of the Revised Statutes, referred to in text, consisted of R.S. §§ 4501 to 4612, which were classified to sections 541 to 543, 545 to 549, 561, 562, 564 to 571, 574 to 578, 591 to 597, 600, 602 to 605, 621 to 628, 641 to 643, 644, 645, 651 to 660, 661 to 669, 674 to 679, 681 to 687, 701 to 710, and 711 to 713 of former Title 46, Shipping. For complete classification of R.S. §§ 4501 to 4612 to the Code, see Tables. A majority of such sections of the Revised Statutes were repealed and various provisions thereof were reenacted in Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For disposition of sections of former Title 46 into revised Title 46, see Table at beginning of Title 46.

EFFECTIVE DATE

Section 208(b) of Pub. L. 97-322 provided that: "Sections 202, 203, 204, 205, 206, and 207 of this title and the amendments made by such sections [enacting this subchapter and amending sections 390 to 390d and 672 of former Title 46, Shipping] shall take effect eighteen months after the date of enactment of this Act [Oct. 15, 1982] or on the date upon which the rules and regulations referred to in subsection (a) [section 446d of former Title 46] take effect, whichever is earlier."

SHORT TITLE

Section 201 of title II of Pub. L. 97-322 provided that: "This title [enacting this subchapter, amending sections 390 to 390d and 672 of former Title 46, Shipping, and enacting a provision set out as a note under this section] may be cited as the 'Sailing School Vessels Act of 1982'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 446c of this Appendix.

§ 446a. Financial responsibility; minimum amount; evidence

Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than $50,000 for each student or instructor. Such financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

(Pub. L. 97-322, title II, § 205, Oct. 15, 1982, 96 Stat. 1589.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 446c of this Appendix.

§ 446b. Sailing school vessel without status of merchant vessel or vessel engaged in trade or commerce

For the purposes of section 291 of this Appendix, section 11101(a)-(c) of title 46, and section 883 of this Appendix, a sailing school vessel shall not be deemed to be a merchant vessel or a vessel engaged in trade or commerce.

(Pub. L. 97-322, title II, § 206, Oct. 15, 1982, 96 Stat. 1590; Pub. L. 98-557, § 34(b), Oct. 30, 1984, 98 Stat. 2876.)

AMENDMENTS

1984—Pub. L. 98-557 added reference to section 11101(a)-(c) of title 46.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 446c of this Appendix.

§ 446c. Definitions

For purposes of this subchapter, the terms "sailing school students", "sailing school instructor", and "sailing school vessel" have the meaning given such terms in section 2101 of title 46.

(Pub. L. 97-322, title II, § 207, Oct. 15, 1982, 96 Stat. 1590.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "sections 203, 204, 205, 206, and 208 of this title", meaning sections 203 to 206 and 208 of title II of Pub. L. 97-322, Oct. 15, 1982, 96 Stat. 1589, 1590. Sections 204 to 206 of Pub. L. 97-322 are classified to this subchapter. Sections 203 and 208 enacted sections 672(b)(4) and 446d of former Title 46, Shipping, respectively, and were repealed by Pub. L. 98-89, § 4(b), Aug. 23, 1983, 97 Stat. 599, and reenacted by section 1 thereof as sections 7311 and 8101(a) of Title 46, Shipping, respectively.

CODIFICATION

"Section 2101 of title 46" was substituted in text for "the first section of the Act entitled 'An Act to require the inspection and certification of certain vessels carrying passengers', enacted May 10, 1956 (46 U.S.C. 390) as amended by this title" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

CHAPTER 15—TRANSPORTATION OF PASSENGERS AND MERCHANDISE BY STEAM VESSELS

Sec.
466c. Export of horses.
  (a) Restriction on export of horses.
  (b) Granting of waivers.
  (c) Penalties.
491. Liability of master and owners for damage to passengers.

§ 466c. Export of horses

(a) Restriction on export of horses

Notwithstanding any other provision of law, no horse may be exported by sea from the United States, or any of its territories or possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under subsection (b) of this section.

(b) Granting of waivers

The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

(c) Penalties

(1) Criminal penalty

Any person who knowingly violates this section or any regulation, order, or license issued under this section shall be fined not more than 5 times the value of the consignment of horses involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

(2) Civil penalty

The Secretary of Commerce, after providing notice and an opportunity for an agency hearing on the record, may impose a civil penalty of not to exceed $10,000 for each violation of this section or any regulation, order, or license issued under this section, either in addition to or in lieu of any other liability or penalty which may be imposed.

(Mar. 3, 1891, ch. 521, § 3, as added July 12, 1985, Pub. L. 99-64, title I, § 125, 99 Stat. 156.)

PRIOR PROVISIONS

Provisions relating to the export of horses was covered by section 7(j) of the Export Administration Act of 1979, section 2406(j) of Title 50, Appendix, War and National Defense, prior to the amendment of that Act by the Export Administration Amendments Act of 1985, Pub. L. 99-64, which enacted this section.

§ 491. Liability of master and owners for damage to passengers

Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of title 52 of the Revised Statutes, or through known defects or imperfections of the steaming apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot.

(R.S. § 4493.)

REFERENCES IN TEXT

Title 52 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 52 of the Revised Statutes which consisted of R.S. §§ 4399 to 4500, which were classified to sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230 to 234, 239, 240, 361, 362, 364, 371 to 373, 375 to 382, 384, 385, 391, 391a, 392 to 394, 399 to 404, 405 to 416, 435 to 440, 451 to 453, 460, 461 to 463, 464, 466, 467 to 482, and 489 to 498 of former Title 46, Shipping. For complete classification of R.S. §§ 4399 to 4500 to the Code, see Tables. A majority of such sections of the Revised Statutes were repealed and various provisions thereof were reenacted in Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For disposition of sections of former Title 46 into revised Title 46, see Table at beginning of Title 46.

CODIFICATION

R.S. § 4493 derived from act Feb. 28, 1871, ch. 100, § 43, 16 Stat. 453.

CROSS REFERENCES

Owner's liability limited to proportion of any or all debts and liabilities that his individual share of vessels bears to the whole, see section 189 of this Appendix.

CHAPTER 17—REGULATION OF FISHING VOYAGES

Sec.
531. Agreement for fishing voyage.
532. Penalty for violating agreement.
533. Recovery of shares of fish under agreement.
534. Discharge of vessel on bond by owner.

§ 531. Agreement for fishing voyage

The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing vessel or his agent.

(R.S. § 4391.)

Codification

R.S. § 4391 derived from acts June 19, 1813, ch. 2, § 1, 3 Stat. 2; Mar. 3, 1865, ch. 117, 13 Stat. 535.

Cross References

Licensing vessels for carrying on the coasting trade or fisheries, see section 251 et seq. of this Appendix.

Waiver of compliance with navigation and vessel inspection laws for defense purposes, see note preceding section 3 of this Appendix.

§ 532. Penalty for violating agreement

If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing voyage refuses or neglects his proper duty on board the fishing vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

(R.S. § 4392.)

Codification

R.S. § 4392 derived from act June 19, 1813, ch. 2, § 1, 3, Stat. 2.

Cross References

Penalty for desertion by seamen in merchant service, see sections 10509 and 11501 of Title 46, Shipping.

§ 533. Recovery of shares of fish under agreement

Whenever an agreement or contract is so made and signed for a fishing voyage or for the fishing season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

(R.S. § 4393.)

Codification

R.S. § 4393 derived from act June 19, 1813, ch. 2, § 2, 3 Stat. 2.

Section Referred to in Other Sections

This section is referred to in section 534 of this Appendix.

§ 534. Discharge of vessel on bond by owner

When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this section or section 533 of this Appendix shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

(R.S. § 4394.)

Codification

R.S. § 4394 derived from act June 19, 1813, ch. 2, § 2, 3 Stat. 2.

CHAPTER 18—MERCHANT SEAMEN

SUBCHAPTER VII—PROTECTION AND RELIEF

Sec.

674. List of crew to be delivered to collector.
675. Certificate to list of crew; record.
676. Rules as to list of crew.
677. Production of copy of list on return of vessel; production of persons named.
688. Recovery for injury to or death of seaman.
  (a) Application of railway employee statutes; jurisdiction.
  (b) Limitation for certain aliens; applicability in lieu of other remedy.

SUBCHAPTER VII—PROTECTION AND RELIEF

§ 674. List of crew to be delivered to collector

Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof.

(R.S. § 4573.)

Codification

R.S. § 4573 derived from acts Feb. 28, 1803, ch. 9, § 1, 2 Stat. 203; Apr. 4, 1840, ch. 6, § 2, 5 Stat. 370.

The words "for which the collector shall be entitled to receive the sum of twenty-five cents" in text as enacted originally were omitted as superseded by act June 19, 1886, ch. 421, § 1, 24 Stat. 79 (see 46 U.S.C. 2110), and the reorganization of the customs service authorized by act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

Section Referred to in Other Sections

This section is referred to in section 676 of this Appendix.

§ 675. Certificate to list of crew; record

In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of title 53 of the Revised Statutes.

(R.S. § 4574.)

References in Text

Title 53 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 53 of the Revised Statutes which consisted of R.S. §§ 4501 to 4612, which were classified to sections 541 to 543, 545 to 549, 561, 562, 564 to 571, 574 to 578, 591 to 597, 600, 602 to 605, 621 to 628, 641 to 643, 644, 645, 651 to 660, 661 to 669, 674 to 679, 681 to 687, 701 to 710, and 711 to 713 of former Title 46, Shipping. For complete classification of R.S. §§ 4501 to 4612 to the Code, see Tables. A majority of such sections of the Revised Statutes were repealed and various provisions thereof were reenacted in Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For disposition of sections of former Title 46 into revised Title 46, see Table at beginning of Title 46.

Codification

R.S. § 4574 derived from act Mar. 3, 1813, ch. 42, § 3, 2 Stat. 809.

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 676. Rules as to list of crew

The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company required to be made out by the master and delivered to the collector of the customs, under section 674 of this Appendix, shall be a fair copy in one uniform handwriting without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of $100 for each offense.

Sixth. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Commandant of the Coast Guard and to the United States attorney in his district.

(R.S. § 4575; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 252; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 4575 derived from act July 20, 1840, ch. 48, 5 Stat. 394, 395, 397.

Act Feb. 27, 1877, substituted "collector of customs of" for "shipping commissioner or officer acting as such in" in the Second Rule.

The words "or other commercial agent" following "consul" in the Third Rule were omitted upon the abolition of the grade of commercial agent by act Apr. 5, 1906.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of all other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury" to conform to acts Feb. 14, 1903 and Mar. 4, 1913.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

§ 677. Production of copy of list on return of vessel; production of persons named

The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of $400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul or vice consul there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector.

(R.S. § 4576; Mar. 3, 1897, ch. 389, § 3, 29 Stat. 688; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 4576 derived from act Feb. 28, 1803, ch. 9, § 1, 2 Stat. 203.

Act Mar. 3, 1897, amended section by material changes which consisted of omission of "shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he" before "shall exhibit," insertion of provisions of second sentence before the semicolon; and substitution of "but such penalties shall not be incurred" for "but such bond shall not be forfeited."

The words "commercial agent, or vice commercial agent" after "vice-consul" were omitted from this section upon the abolition of the grade of commercial agent by act Apr. 5, 1906.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 688. Recovery for injury to or death of seaman

(a) Application of railway employee statutes; jurisdiction

Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located.

(b) Limitation for certain aliens; applicability in lieu of other remedy

(1) No action may be maintained under subsection (a) of this section or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action if the incident occurred—

(A) while that person was in the employ of an enterprise engaged in the exploration, development, or production of offshore mineral or energy resources—including but not limited to drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment or personnel, but not including transporting those resources by (a) [1] vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces; and

(B) in the territorial waters or waters overlaying the continental shelf of a nation other than the United States, its territories, or possessions. As used in this paragraph, the term "continental shelf" has the meaning stated in article I of the 1958 Convention on the Continental Shelf.

(2) The provisions of paragraph (1) of this subsection shall not be applicable if the person bringing the action establishes that no remedy was available to that person—

(A) under the laws of the nation asserting jurisdiction over the area in which the incident occurred; or

(B) under the laws of the nation in which, at the time of the incident, the person for whose injury or death a remedy is sought maintained citizenship or residency.

(Mar. 4, 1915, ch. 153, § 20, 38 Stat. 1185; June 5, 1920, ch. 250, § 33, 41 Stat. 1007; Dec. 29, 1982, Pub. L. 97-389, title V, § 503(a), 96 Stat. 1955.)

REFERENCES IN TEXT

"Statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury, to railway employees" and "statutes of the United States conferring or regulating the right of action for death in the case of railway employees", referred to in subsec. (a), probably mean acts June 11, 1906, ch. 3073, 34 Stat. 232; Apr. 22, 1908, ch. 149, 35 Stat. 65; Apr. 5, 1910, ch. 143, 36 Stat. 291; and Aug. 11, 1939, ch. 685, 53 Stat. 1404, popularly known as the Employers' Liability Acts. Act Apr. 22, 1908, ch. 149, 35 Stat. 65, is classified generally to chapter 2 (§ 51 et seq.) of Title 45, Railroads. For complete classification of acts Apr. 22, 1908, Apr. 5, 1910, and Aug. 11, 1939 to the Code, see Short Title note set out under section 51 of Title 45 and Tables.

The 1958 Convention on the Continental Shelf, referred to in subsec. (b)(1)(B), was done at Geneva, April 29, 1958, and entered into force for the United States, June 10, 1964. See 15 UST 471; TIAS 5578.

CODIFICATION

Seamen's Welfare Act, Mar. 4, 1915, § 20, provided that: "In any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow-servants with those under their authority."

AMENDMENTS

1982—Pub. L. 97-389 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1982 AMENDMENT

Section 503(b) of Pub. L. 97-389 provided that: "The amendment made by this section [amending this section] does not apply to any action arising out of an incident that occurred before the date of enactment of this section [Dec. 29, 1982]."

CROSS REFERENCES

Judisdiction of district courts, see sections 1331 and 1332 of Title 28, Judiciary and Judicial Procedure.

Suits for recovery of damages for personal injury or death, or both, arising out of maritime tort, not maintainable unless commenced within three years from date on which cause of action accrued, see section 763a of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 903.

CHAPTER 19—WRECKS AND SALVAGE

SUBCHAPTER I—GENERALLY

Sec.
721. Vessels stranded on foreign coasts.
722. Property wrecked on Florida coast.
723. Forfeitures for taking wrecked property to foreign ports.
724. License to wreckers on Florida coast.
725. Canadian vessels aiding vessels wrecked or disabled in United States waters.
726. International agreement as to derelicts.
727. Right to salvage not affected by ownership of vessel.
729. Salvors of life to share in remuneration.
730. Time limit for salvage suits.
731. Applicability to ships of war.

SUBCHAPTER III—ICE AND DERELICTS

738. International agreements as to ice patrol and derelict destruction; allocation of expenses.

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[1] So in original. Probably should be "a".

Sec.
738a. Patrol services.
  (a) Maintenance of ice patrol; aid to ships in distress; destruction of derelicts.
  (b) Warning to vessels.
  (c) Report on ships in dangerous regions.
  (d) Administration by Coast Guard.
  (e) Annual report.
738b. Operator of vessel to give notice of routes; avoidance of ice regions; penalty.
738c. Speed of vessel in ice region; penalty.
738d. Publication of rules and regulations in Federal Register.

Cross References

Owners of vessels sunk in navigable channels to mark them until removed or abandoned, see section 409 of Title 33, Navigation and Navigable Waters.

Removal by Secretary of Army of vessels sunk in navigable waters or harbors, etc., see sections 414 and 415 of Title 33.

SUBCHAPTER I—GENERALLY

§ 721. Vessels stranded on foreign coasts

Consuls and vice consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

(R.S. § 4238.)

Codification

R.S. § 4238 derived from act Apr. 14, 1792, ch. 24, § 3, 1 Stat. 255.

§ 722. Property wrecked on Florida coast

All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

(R.S. § 4239.)

Codification

R.S. § 4239 derived from act Mar. 3, 1825, ch. 107, § 2, 4 Stat. 133.

Cross References

Free importation of merchandise recovered from sunken and abandoned vessels, see section 1310 of Title 19, Customs Duties.

§ 723. Forfeitures for taking wrecked property to foreign ports

Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

(R.S. § 4240.)

Codification

R.S. § 4240 derived from act Mar. 3, 1825, ch. 107, § 1, 4 Stat. 132.

§ 724. License to wreckers on Florida coast

No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

(R.S. § 4241.)

Codification

R.S. § 4241 derived from act Feb. 23, 1847, ch. 20, § 3, 9 Stat. 131.

Division of Florida Into Three Judicial Districts

Florida divided into three judicial districts, see section 89 of Title 28, Judiciary and Judicial Procedure.

§ 725. Canadian vessels aiding vessels wrecked or disabled in United States waters

Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada.

This section shall be construed to apply to the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal: *And provided further,* That this section shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada.

(June 19, 1878, ch. 324, 20 Stat. 175; May 24, 1890, ch. 292, 26 Stat. 120; Mar. 3, 1893, ch. 211, § 1, 27 Stat. 683.)

Codification

Act June 19, 1878, was entitled "An act to aid vessels wrecked or disabled in the waters coterminous to the United States and the Dominion of Canada."

As originally enacted, it read: "That Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada: Provided, That this act shall not take effect until proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada and declaring this act to be in force: And provided further, That this act shall cease to be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by said Government of the Dominion of Canada."

Act May 24, 1890, amended act June 19, 1878, to read as above set forth, except that, besides making the act applicable to the canal and improvement of the waters between Lake Erie and Lake Huron, etc., it was also made applicable to the Welland Canal, and the first paragraph contained a proviso concerning the taking effect of the act.

Act Mar. 3, 1893, struck out the provision relating to the Welland Canal.

CROSS REFERENCES

Use of foreign tugboats in United States prohibited, see section 316 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 316 of this Appendix.

§ 726. International agreement as to derelicts

The President of the United States is authorized to make with the several Governments interested in the navigation of the North Atlantic Ocean, an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon.

(Oct. 31, 1893, No. 13, 28 Stat. 13.)

CROSS REFERENCES

International agreements as to ice patrol and derelict destruction, see section 738 of this Appendix.

§ 727. Right to salvage not affected by ownership of vessel

The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

(Aug. 1, 1912, ch. 268, § 1, 37 Stat. 242.)

EFFECTIVE DATE

Section 6 of act Aug. 1, 1912, provided that the act [enacting sections 727 to 731 of this Appendix] shall take effect on and after July 1, 1912.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 731 of this Appendix.

§ 729. Salvors of life to share in remuneration

Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

(Aug. 1, 1912, ch. 268, § 3, 37 Stat. 242.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 731 of this Appendix.

§ 730. Time limit for salvage suits

A suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business.

(Aug. 1, 1912, ch. 268, § 4, 37 Stat. 242.)

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 731 of this Appendix.

§ 731. Applicability to ships of war

Nothing in this Act shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service.

(Aug. 1, 1912, ch. 268, § 5, 37 Stat. 242.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 1, 1912, ch. 268, 37 Stat. 242, as amended, sections 1 and 3 to 5 of which are classified to sections 727 and 729 to 731 of this Appendix, respectively. Section 2 of act Aug. 1, 1912, was classified to section 728 of former Title 46, Shipping, and was repealed by Pub. L. 98-89, § 4(b), Aug. 23, 1983, 97 Stat. 599, and reenacted by section 1 thereof as section 2304 of Title 46, Shipping.

SUBCHAPTER III—ICE AND DERELICTS

§ 738. International agreements as to ice patrol and derelict destruction; allocation of expenses

The President is authorized to conclude agreements with interested maritime nations (a) to maintain in the north Atlantic Ocean a service of ice patrol, of study and observation of ice and current conditions, and of assistance to vessels and their crews requiring aid within the limits of the patrol; (b) to maintain a service of study and observation of ice and current conditions in such waters as may affect the set and drift of ice in the north Atlantic Ocean; and (c) to undertake all practicable steps to insure the destruction or removal of derelicts in the northern part of the Atlantic Ocean, east of the line drawn from Cape Sable to a point in latitude thirty-four degrees north, longitude seventy degrees west, if this destruction or removal is necessary. The President is further authorized to include in such agreements a provision for payment to the United States by the countries concerned, of their proportionate share of the expense for maintenance of the services named, or for the United States to contribute its proportionate share should it be agreed that another country was to maintain the patrol.

(June 25, 1936, ch. 807, § 1, 49 Stat. 1922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 738a, 738d of this Appendix.

§ 738a. Patrol services

(a) Maintenance of ice patrol; aid to ships in distress; destruction of derelicts

Unless the agreements made in accordance with section 738 of this Appendix provide otherwise, an ice patrol shall be maintained during the whole of the ice season in guarding the southeastern, southern, and southwestern limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland, and the patrol shall inform trans-Atlantic and other passing vessels by radio and such other means as are available of the ice conditions and the extent of the dangerous region. A service of study of ice and current conditions, a service of affording assistance to vessels and crews requiring aid, and a service of removing and destroying derelicts shall be maintained during the ice season and any or all such services may be maintained during the remainder of the year as may be advisable.

(b) Warning to vessels

The ice patrol vessels shall warn vessels known to be approaching a dangerous area and recommend safe routes.

(c) Report on ships in dangerous regions

The ice patrol vessels shall record the name, together with all the facts in the case, of any ship which is observed or known to be on other than a regular recognized or advertised ship route crossing the North Atlantic Ocean, or to have crossed the fishing banks of Newfoundland north of latitude forty-three degrees north during the fishing season, or, when proceeding to and from ports of North America to have passed through regions known or believed to be endangered by ice. The name of any such ship and all pertinent information relating to the incident shall be reported to the government of the country to which the ship belongs, if the government of that country so requests.

(d) Administration by Coast Guard

The Commandant of the Coast Guard, under the direction of the Secretary of Transportation, shall administer the services provided for in this section and shall assign thereto such vessels, material, and personnel of the Coast Guard as may be necessary. Any executive department or agency may upon the request of the Secretary of Transportation detail personnel, loan or contribute material or equipment, or otherwise assist in the carrying out of the services named.

(e) Annual report

The Commandant of the Coast Guard shall publish each year a report of the activities of the services provided for in this section, a copy of which shall be furnished to each interested foreign government and to each agency assisting in the work.

(June 25, 1936, ch. 807, § 2, 49 Stat. 1922; Oct. 15, 1966, Pub. L. 89-670, § 6(b)(1), 80 Stat. 938.)

TRANSFER OF FUNCTIONS

"Secretary of Transportation" was substituted in subsec. (d) for "Secretary of the Treasury" on authority of Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938, which transferred all the functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury to the Secretary of Transportation. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 738d of this Appendix.

§ 738b. Operator of vessel to give notice of routes; avoidance of ice regions; penalty

(a) The owner, or operating agent, of any passenger vessel of the United States crossing the North Atlantic Ocean shall give public notice, in such manner as may be prescribed by the Secretary of Transportation, of the regular routes which he proposes such vessel will follow and of any changes made in a route, and shall require the vessel to follow the published route as far as circumstances will permit. Any passenger vessel of the United States crossing the North Atlantic Ocean shall follow, as far as circumstances will permit, the recognized ship routes; it shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of the regions reported or known to be endangered by ice.

(b) If the owner, or operating agent, of any such passenger vessel fails to comply with this section, he shall for each offense be liable to a fine not exceeding $100.

(June 25, 1936, ch. 807, § 3, 49 Stat. 1923; Oct. 15, 1966, Pub. L. 89-670, § 6(b)(1), 80 Stat. 938.)

TRANSFER OF FUNCTIONS

"Secretary of Transportation" was substituted for "Secretary of the Treasury" on authority of Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938, which transferred all the functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury to the Secretary of Transportation. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 738d of this Appendix.

§ 738c. Speed of vessel in ice region; penalty

(a) The master of every vessel of the United States when ice is reported on or near his course, shall proceed at a moderate speed or alter his course so as to go well clear of the danger zone.

(b) If the master of any such ship fails to comply with this section, he shall for each offense be liable to a fine not exceeding $500.

(June 25, 1936, ch. 807, § 4, 49 Stat. 1923.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 738d of this Appendix.

§ 738d. Publication of rules and regulations in Federal Register

All rules and regulations, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof, issued, prescribed, or promulgated pursuant to authority contained in sections 738 to 738d of this Appendix, shall be forwarded forthwith to the Division of the Federal Register in The National Archives for filing and publishing in the Federal Register.

(June 25, 1936, ch. 807, § 5, 49 Stat. 1924.)

CHAPTER 19A—ADMIRALTY AND MARITIME JURISDICTION

Sec.
740. Extension of admiralty and maritime jurisdiction; libel in rem or in personam; exclusive remedy; waiting period.

§ 740. Extension of admiralty and maritime jurisdiction; libel in rem or in personam; exclusive remedy; waiting period

The admiralty and maritime jurisdiction of the United States shall extend to and include all cases of damage or injury, to person or property, caused by a vessel on navigable water, notwithstanding that such damage or injury be done or consummated on land.

In any such case suit may be brought in rem or in personam according to the principles of law and the rules of practice obtaining in cases where the injury or damage has been done and consummated on navigable water: *Provided*, That as to any suit against the United States for damage or injury done or consummated on land by a vessel on navigable waters, the Public Vessels Act [46 App. U.S.C. 781 et seq.] or Suits in Admiralty Act [46 App. U.S.C. 741 et seq.], as appropriate, shall constitute the exclusive remedy for all causes of action arising after June 19, 1948, and for all causes of action where suit has not been hitherto filed under the Federal Tort Claims Act: *Provided further*, That no suit shall be filed against the United States until there shall have expired a period of six months after the claim has been presented in writing to the Federal agency owning or operating the vessel causing the injury or damage.

(June 19, 1948, ch. 526, 62 Stat. 496.)

REFERENCES IN TEXT

The Public Vessels Act, referred to in text, is act Mar. 3, 1925, ch. 428, 43 Stat. 1112, as amended, which is classified generally to chapter 22 (§ 781 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 781 of this Appendix and Tables.

The Suits in Admiralty Act, referred to in text, is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§ 741 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 741 of this Appendix and Tables.

The Federal Tort Claims Act, referred to in text, is classified generally to section 1346(b) and chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CHAPTER 20—SUITS IN ADMIRALTY BY OR AGAINST VESSELS OR CARGOES OF UNITED STATES

Sec.
741. Exemption of United States vessels and cargoes from arrest or seizure.
742. Libel in personam.
743. Procedure in cases of libel in personam.
743a. Omitted.
744. Release of privately owned vessel after seizure.
745. Causes of action for which suits may be brought; limitations; exceptions; actions which may not be revived; interest on claims.
746. Exemptions and limitations of liability.
747. Seizures in foreign jurisdictions.
748. Payment of judgment, award, or settlement.
749. Arbitration, compromise, or settlement of claims.
750. Recovery for salvage services by vessel or crew.
751. Disposition of moneys recovered by United States.
752. Reports as to awards and settlements.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 740, 782, 1247, 1292 of this Appendix; title 28 section 2680; title 41 section 603; title 42 section 2212; title 50 App. section 1291.

§ 741. Exemption of United States vessels and cargoes from arrest or seizure

No vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall after March 9, 1920, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this chapter shall not apply to the Panama Canal Commission.

(Mar. 9, 1920, ch. 95, § 1, 41 Stat. 525; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038; Sept. 27, 1979, Pub. L. 96-70, § 3(b)(5), 93 Stat. 455.)

Change of Name

"Panama Canal Commission" was substituted for "Panama Canal Company" pursuant to act Sept. 27, 1979.

"Panama Canal Company" was substituted for "Panama Railroad Company" pursuant to act Sept. 26, 1950.

Short Title

Act Mar. 9, 1920, ch. 95, which enacted this chapter, is popularly known as the "Suits in Admiralty Act".

Federal Rules of Civil Procedure

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

Cross References

Disposition of moneys recovered by United States, see section 751 of this Appendix.

Exemptions and limitations of liability extended to corporations described in this section, see section 746 of this Appendix.

Recovery for salvage services by vessel or crew, see section 750 of this Appendix.

Release of privately owned vessel after seizure, see section 744 of this Appendix.

Reports as to awards and settlements, see section 752 of this Appendix.

Seizures in foreign jurisdictions, see section 747 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 747 of this Appendix.

§ 742. Libel in personam

In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate nonjury proceeding in personam may be brought against the United States or against such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

(Mar. 9, 1920, ch. 95, § 2, 41 Stat. 525; Sept. 13, 1960, Pub. L. 86-770, § 3, 74 Stat. 912.)

References in Text

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

Amendments

1960—Pub. L. 86-770 amended first sentence by substituting "owned or possessed" for "owned and possessed" and ", any appropriate nonjury proceeding" for "at the time of the commencement of the action herein provided for, a libel", inserting "or if a private person or property were involved" and deleting "as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation" after "such corporation".

Effective Date of 1960 Amendment

Section 4 of Pub. L. 86-770 provided in part that: "The amendment made by section 3 [amending this section] shall apply to any case or proceeding brought after the date of enactment of this Act [Sept. 13, 1960]."

Federal Rules of Civil Procedure

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

Cross References

Actions on war risk insurance claims, see section 1292 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 745, 749, 1242 of this Appendix.

§ 743. Procedure in cases of libel in personam

Such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel, the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder.

(Mar. 9, 1920, ch. 95, § 3, 41 Stat. 526; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(A), 95 Stat. 155.)

References in Text

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

Amendments

1981—Pub. L. 97-31 struck out provisions relating to bonds or stipulations given prior to Mar. 9, 1920, in admiralty causes.

Federal Rules of Civil Procedure

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

Cross References

Interest not allowed on any claim prior to time when suit is brought, see section 745 of this Appendix.

§ 743a. Omitted

Codification

Section, act June 30, 1932, ch. 315, 47 Stat. 420, related to interest on claims. See section 745 of this Appendix.

§ 744. Release of privately owned vessel after seizure

If a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this chapter.

(Mar. 9, 1920, ch. 95, § 4, 41 Stat. 526.)

References in Text

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

Federal Rules of Civil Procedure

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

Cross References

Payment of judgment, award, or settlement, see section 748 of this Appendix.

Seizures in foreign jurisdictions, see section 747 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 747, 748, 749 of this Appendix.

§ 745. Causes of action for which suits may be brought; limitations; exceptions; actions which may not be revived; interest on claims

Suits as authorized by this chapter may be brought only within two years after the cause of action arises: *Provided*, That where a remedy is provided by this chapter it shall hereafter be exclusive of any other action by reason of the same subject matter against the agent or employee of the United States or of any incorporated or unincorporated agency thereof whose act or omission gave rise to the claim: *Provided further*, That the limitations contained in this section for the commencement of suits shall not bar any suit against the United States brought hereunder within one year after December 13, 1950, if such suit is based upon a cause of action whereon a prior suit in admiralty or an action at law was timely commenced and was or may hereafter be dismissed solely because improperly brought against any person, partnership, association, or corporation engaged by the United States to manage and conduct the business of a vessel owned or bareboat chartered by the United States or against the master of any such vessel: *And provided further*, That after June 30, 1932, no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized by section 742 of this Appendix unless upon a contract expressly stipulating for the payment of interest.

(Mar. 9, 1920, ch. 95, § 5, 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.)

Codification

Section 5 of act Mar. 9, 1920, as enacted originally, read: "Suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this Act shall be brought within one year after this Act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises."

Amendments

1950—Act Dec. 13, 1950, extended the time limit within which certain suits in admiralty may be brought against the United States.

1932—Act June 30, 1932, added provisions that limitations in section should not bar any suit against the United States or the United States Shipping Board

Merchant Fleet Corporation brought on or before Dec. 31, 1932, if such suit was based upon a cause of action whereon a prior suit in admiralty or action at law or action under the Tucker Act of March 3, 1887 was commenced prior to Jan. 6, 1930 and was or might be dismissed because not commenced within time or manner of this chapter, and further provided that such prior suit must have been commenced within the statutory period of limitations for common law actions against the United States cognizable in the Court of Claims, and that there should be no revival of such suits dismissed for lack of prosecution after filing of suit, and that no interest should be allowed on any claim prior to the time when suit on such claim was brought as authorized.

SAVINGS PROVISION

Section 5 of act Mar. 9, 1920, as amended by act June 30, 1932, also contained a saving clause in connection with certain suits instituted prior to Dec. 31, 1932.

CROSS REFERENCES

Actions on war risk insurance claims, see section 1292 of this Appendix.

§ 746. Exemptions and limitations of liability

The United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

(Mar. 9, 1920, ch. 95, § 6, 41 Stat. 527.)

REFERENCES IN TEXT

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

§ 747. Seizures in foreign jurisdictions

If any vessel or cargo within the purview of sections 741 and 744 of this Appendix is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the Maritime Administration, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the Maritime Administration, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the Maritime Administration, or of such corporation, for the allowance and payment of such judgments: *Provided, however,* That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

(Mar. 9, 1920, ch. 95, § 7, 41 Stat. 527; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(B), 95 Stat. 155.)

REFERENCES IN TEXT

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Maritime Administration" for "United States Shipping Board", wherever appearing. For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Shipping Board, see Ex. Ord. No. 6166, set out under section 901 of Title 5, Government Organization and Employees, act June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016, and Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

CROSS REFERENCES

Payment of judgment, award, or settlement, see section 748 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 748 of this Appendix.

§ 748. Payment of judgment, award, or settlement

Any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 744 and 747 of this Appendix, and any arbitration award or settlement had and agreed to under the provisions of section 749 of this Appendix, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

(Mar. 9, 1920, ch. 95, § 8, 41 Stat. 527.)

APPROPRIATIONS

Section 3 of act June 26, 1934, ch. 756, 48 Stat. 1226, which was classified to section 725b of former Title 31, Money and Finance, provided in part that, effective July 1, 1935, the permanent or continuing appropriation accounts "Judgments in admiralty suits under Act of March 9, 1920 [46 App. U.S.C. 748], War Department (8x143)" and "Judgments in admiralty suits under Act of March 9, 1920 [46 App. U.S.C. 748], United States Shipping Board (0x556)" are abolished, and any unobligated balances in such accounts are covered into the Treasury; and that any claims accruing on and after July 1, 1935, which, but for this section would have been charged to these appropriation titles, shall, upon proper audit, be certified to Congress for appropriation from the general fund of the Treasury, which is authorized.

§ 749. Arbitration, compromise, or settlement of claims

The Secretary of any department of the Government of the United States, or the board of trustees of such corporation, are, and each is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 742, 744, and 750 of this Appendix.

(Mar. 9, 1920, ch. 95, § 9, 41 Stat. 527; Aug. 29, 1972, Pub. L. 92-417, § 3, 86 Stat. 656; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(C), 95 Stat. 155.)

REFERENCES IN TEXT

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 struck out reference to the United States Shipping Board.

1972—Pub. L. 92-417 struck out "having control of the possession or operation of any merchant vessel" before "are, and each is".

CROSS REFERENCES

Payment of judgment, award, or settlement, see section 748 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 748 of this Appendix.

§ 750. Recovery for salvage services by vessel or crew

The United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of such corporation, having control of the possession or operation of such vessel.

(Mar. 9, 1920, ch. 95, § 10, 41 Stat. 528; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(D), 95 Stat. 155.)

REFERENCES IN TEXT

Such corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 struck out reference to the United States Shipping Board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 749 of this Appendix.

§ 751. Disposition of moneys recovered by United States

All moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

(Mar. 9, 1920, ch. 95, § 11, 41 Stat. 528; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(D), 95 Stat. 155.)

REFERENCES IN TEXT

Such aforesaid corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 struck out reference to the United States Shipping Board.

§ 752. Reports as to awards and settlements

The Secretary of any department of the Government of the United States, and the board of trustees of any such aforesaid corporation, shall report to the Congress at each session thereof the arbitration awards or settlements of claims which shall have been agreed to under this chapter since the previous session, and in which the time to appeal shall have expired or have been waived.

(Mar. 9, 1920, ch. 95, § 12, 41 Stat. 528; Aug. 6, 1981, Pub. L. 97-31, § 12(25)(E), 95 Stat. 155.)

REFERENCES IN TEXT

Such aforesaid corporation, referred to in text, probably means a corporation mentioned in section 741 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 struck out reference to the United States Shipping Board.

1954—Act Aug. 30, 1954, repealed provisions requiring the Attorney General to make an annual report to Congress of all suits under this chapter in which final judgment was rendered for or against the United States and the corporations mentioned in section 741 of this Appendix.

CHAPTER 21—DEATH ON THE HIGH SEAS BY WRONGFUL ACT

Sec.
761. Right of action; where and by whom brought.

Sec.	
762.	Amount and apportionment of recovery.
763a.	Limitations.
764.	Rights of action given by laws of foreign countries.
765.	Death of plaintiff pending action.
766.	Contributory negligence.
767.	Exceptions from operation of chapter.
768.	Omitted.

§ 761. Right of action; where and by whom brought

Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

(Mar. 30, 1920, ch. 111, § 1, 41 Stat. 537.)

SHORT TITLE

Act Mar. 30, 1920, ch. 111, which enacted this chapter, is popularly know as the Death on the High Seas Act.

CROSS REFERENCES

Death of plaintiff pending action, see section 765 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 765 of this Appendix.

§ 762. Amount and apportionment of recovery

The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

(Mar. 30, 1920, ch. 111, § 2, 41 Stat. 537.)

CROSS REFERENCES

Death of plaintiff pending action, see section 765 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 765 of this Appendix.

§ 763a. Limitations

Unless otherwise specified by law, a suit for recovery of damages for personal injury or death, or both, arising out of a maritime tort, shall not be maintained unless commenced within three years from the date the cause of action accrued.

(Pub. L. 96-382, § 1, Oct. 6, 1980, 94 Stat. 1525.)

CODIFICATION

Section was not enacted as part of act Mar. 30, 1920, known as the Death on the High Seas Act, which comprises this chapter.

§ 764. Rights of action given by laws of foreign countries

Whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or default occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

(Mar. 30, 1920, ch. 111, § 4, 41 Stat. 537.)

§ 765. Death of plaintiff pending action

If a person die[1] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this chapter for the recovery of the compensation provided in section 762 of this Appendix.

(Mar. 30, 1920, ch. 111, § 5, 41 Stat. 537.)

§ 766. Contributory negligence

In suits under this chapter the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

(Mar. 30, 1920, ch. 111, § 6, 41 Stat. 537.)

§ 767. Exceptions from operation of chapter

The provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this chapter. Nor shall this chapter apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone.

(Mar. 30, 1920, ch. 111, § 7, 41 Stat. 538.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

§ 768. Omitted

CODIFICATION

Section, act Mar. 30, 1920, ch. 111, § 8, 41 Stat. 538, provided that this chapter should not affect suits pending on Mar. 30, 1920.

CHAPTER 22—SUITS IN ADMIRALTY AGAINST UNITED STATES FOR DAMAGES CAUSED BY PUBLIC VESSELS OR FOR TOWAGE OR SALVAGE SERVICES

Sec.	
781.	Libel in admiralty against or impleader of United States.

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[1] So in original. Probably should be "dies".

Sec.
782. Venue of suit; application of provisions of chapter 20.
783. Cross libel, set-off, or counterclaim.
784. Subpoenas to officers or members of crews.
785. Suits by nationals of foreign governments.
786. Arbitration, compromise, or settlement.
787. Payment of judgments or settlements.
788. Lien not created against public vessels.
789. Exemptions and limitations of liability.
790. Reports by Attorney General.

CROSS REFERENCES

Stay of judicial proceedings, see section 7721 et seq. of Title 10, Armed Forces.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 740 of this Appendix; title 10 section 7721; title 28 section 2680; title 41 section 603.

§ 781. Libel in admiralty against or impleader of United States

A libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: *Provided,* That the cause of action arose after the 6th day of April, 1920.

(Mar. 3, 1925, ch. 428, § 1, 43 Stat. 1112.)

SHORT TITLE

Act Mar. 3, 1925, ch. 428, which enacted this chapter, is popularly known as the "Public Vessels Act".

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 782. Venue of suit; application of provisions of chapter 20

Such suit shall be brought in the district court of the United States for the district in which the vessel or cargo charged with creating the liability is found within the United States, or if such vessel or cargo be outside the territorial waters of the United States, then in the district court of the United States for the district in which the parties so suing, or any of them, reside or have an office for the transaction of business in the United States; or in case none of such parties reside or have an office for the transaction of business in the United States, and such vessel or cargo be outside the territorial waters of the United States, then in any district court of the United States. Such suits shall be subject to and proceed in accordance with the provisions of chapter 20 of this Appendix or any amendment thereof, insofar as the same are not inconsistent herewith, except that no interest shall be allowed on any claim up to the time of the rendition of judgment unless upon a contract expressly stipulating for the payment of interest.

(Mar. 3, 1925, ch. 428, § 2, 43 Stat. 1112.)

§ 783. Cross libel, set-off, or counterclaim

In the event of the United States filing a libel in rem or in personam in admiralty for damages caused by a privately owned vessel, the owner of such vessel, or his successors in interest, may file a cross libel in personam or claim a set-off or counterclaim against the United States in such suit for and on account of any damages arising out of the same subject matter or cause of action: *Provided,* That whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this chapter, the respondent in the cross libel shall give security in the usual amount and form to respond to the claim set forth in said cross libel unless the court, for cause shown, shall otherwise direct; and all proceedings on the original libel shall be stayed until such security shall be given.

(Mar. 3, 1925, ch. 428, § 3, 43 Stat. 1112.)

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 784. Subpoenas to officers or members of crews

No officer or member of the crew of any public vessel of the United States may be subpoenaed in connection with any suit authorized under this chapter without the consent of the Secretary of the department or the head of any independent establishment of the Government having control of the vessel at the time the cause of action arose, or of the master or commanding officer of such vessel at the time of the issuance of such subpoena.

(Mar. 3, 1925, ch. 428, § 4, 43 Stat. 1112.)

§ 785. Suits by nationals of foreign governments

No suit may be brought under this chapter by a national of any foreign government unless it shall appear to the satisfaction of the court in which suit is brought that said government, under similar circumstances, allows nationals of the United States to sue in its courts.

(Mar. 3, 1925, ch. 428, § 5, 43 Stat. 1113.)

§ 786. Arbitration, compromise, or settlement

The Attorney General of the United States is authorized to arbitrate, compromise, or settle any claim on which a libel or cross libel would lie under the provisions of this chapter, and for which a libel or cross libel has actually been filed.

(Mar. 3, 1925, ch. 428, § 6, 43 Stat. 1113.)

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime

Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 787 of this Appendix.

§ 787. Payment of judgments or settlements

Any final judgment rendered on any libel or cross libel herein authorized, and any settlement had and agreed to under the provisions of section 786 of this Appendix, shall, upon presentation of a duly authenticated copy thereof, be paid by the proper accounting officer of the United States out of any moneys in the Treasury of the United States appropriated therefor by Congress.

(Mar. 3, 1925, ch. 428, § 7, 43 Stat. 1113.)

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 788. Lien not created against public vessels

Nothing contained in this chapter shall be construed to recognize the existence of or as creating a lien against any public vessel of the United States.

(Mar. 3, 1925, ch. 428, § 8, 43 Stat. 1113.)

§ 789. Exemptions and limitations of liability

The United States shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators or agents of vessels.

(Mar. 3, 1925, ch. 428, § 9, 43 Stat. 1113.)

§ 790. Reports by Attorney General

The Attorney General of the United States shall report to the Congress at each session thereof all claims which shall have been settled under this chapter.

(Mar. 3, 1925, ch. 428, § 10, 43 Stat. 1113; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968.)

AMENDMENTS

1954—Act Aug. 30, 1954, repealed provisions requiring the Attorney General also to make annual reports to Congress of all suits in which final judgment was rendered under this chapter.

CHAPTER 23—SHIPPING ACT

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Subtitle IV (§ 10101 et seq.) of Title 49, Transportation (containing the codification of part III of the Interstate Commerce Act, as added by Act Sept. 18, 1940, ch. 722, title II, § 201, 54 Stat. 929, which was classified to sections 901 to 923 of former Title 49), provides for the regulation of rates and services of water carriers by the Interstate Commerce Commission, thereby substantially superseding certain sections of this and the following chapters. In this connection section 920(a)-(d) of former Title 49 provided:

"(a) The Shipping Act of 1916, as amended [section 801 et seq. of this Appendix], and the Intercoastal Shipping Act, 1933, as amended [section 843 et seq. of this Appendix], are repealed insofar as they are inconsistent with any provision of this chapter [section 901 et seq. of former Title 49, Transportation] and insofar as they provide for the regulation of, or the making of agreements relating to, transportation of persons or property by water in commerce which is within the jurisdiction of the Commission under the provisions of this chapter; and any other provisions of law are hereby repealed insofar as they are inconsistent with any provision of this chapter.

"(b) Nothing in subsection (a) of this section shall be construed to repeal—

"(1) section 1115 of Title 46 [46 App. U.S.C. 1115], or any provision of law providing penalties for violations of said section;

"(2) the third sentence of section 844 of Title 46 [46 App. U.S.C. 844], as extended by section 845b of Title 46 [46 App. U.S.C. 845b], or any provision of law providing penalties for violations of section 844 of Title 46;

"(3) the provisions of the Shipping Act of 1916, as amended [section 801 et seq. of this Appendix], insofar as such Act provides for the regulation of persons included within the term 'other person subject to this Act', as defined in such Act;

"(4) sections 883 and 884 of Title 46 [46 App. U.S.C. 883, 884].

"(c) Nothing in subsection (a) of this section shall be construed to affect the provisions of section 814 of Title 46 [46 App. U.S.C. 814] so as to prevent any water carrier subject to the provisions of this chapter from entering into any agreement under the provisions of said section with respect to transportation not subject to the provisions of this chapter in which such carrier may be engaged.

"(d) Nothing in this chapter shall be construed to affect any law of navigation, the admiralty jurisdiction of the courts of the United States, liabilities of vessels and their owners for loss or damage, or laws respecting seamen, or any other maritime law, regulation, or custom not in conflict with the provisions of this chapter."

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 847, 1114, 1183, 1225, 1308, 1309, 1704 of this Appendix; title 28 section 2342; title 49 sections 10544, 10703.

§ 801. Definitions

When used in this chapter:

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "other person subject to this chapter" means any person not included in the term "common carrier by water in interstate commerce," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water in interstate commerce.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

The term "vessel" includes all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being or are intended to be used as a means of transportation on water.

The term "documented under the laws of the United States," means "registered, enrolled, or licensed under the laws of the United States."

The term "carrying on the business of forwarding" means the dispatching of shipments by any person on behalf of others, by oceangoing common carriers in commerce between the United States and its Territories or possessions, or between such Territories and possessions, and handling the formalities incident to such shipments.

The term "maritime labor agreement" means any collective bargaining agreement between an employer subject to this chapter, or group of such employers and a labor organization representing employees in the maritime or stevedoring industry, or any agreement preparatory to such a collective bargaining agreement among members of a multiemployer bargaining group, or any agreement specifically implementing provisions of such a collective bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group.

(Sept. 7, 1916, ch. 451, § 1, 39 Stat. 728; July 15, 1918, ch. 152, § 1, 40 Stat. 900; Sept. 19, 1961, Pub. L. 87-254, § 1, 75 Stat. 522; Oct. 18, 1978, Pub. L. 95-483, § 2, 92 Stat. 1607; Aug. 8, 1980, Pub. L. 96-325, § 2, 94 Stat. 1021; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1608(a), (c), 95 Stat.

752, as amended Dec. 6, 1983, Pub. L. 98-210, § 6, 97 Stat. 1410; Mar. 20, 1984, Pub. L. 98-237, § 20(a), (b)(1), 98 Stat. 89; Oct. 30, 1984, Pub. L. 98-595, § 3(a)(1), 98 Stat. 2132.)

Codification

Prior to incorporation in the Code, act Sept. 7, 1916, was amended by act July 15, 1918, which added the two pars. defining "vessel" and "documented under the laws of the United States."

Amendments

1984—Pub. L. 98-595, § 3(a)(1)(C), struck out "from the United States, its Territories, or possessions to foreign countries, or" before "between the United States and" in definition "carrying on the business or forwarding".

Pub. L. 98-595, § 3(a)(1)(B), substituted "common carrier by water in interstate commerce" for "common carrier by water" in two places in definition "other person subject to this chapter".

Pub. L. 98-595, § 3(a)(1)(A), struck out definitions of "common carrier by water in foreign commerce" and "common carrier by water".

Pub. L. 98-237 struck out definitions of "controlled carrier" and "independent ocean freight forwarder". See sections 1702(8), 1702(19), 1708, and 1718 of this Appendix.

1981—Pub. L. 97-35, § 1608(a), amended generally definition of "independent ocean freight forwarder" striking out provision that the person not have any beneficial interest therein nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

Pub. L. 97-35, § 1608(c), which amended generally definition of "independent ocean freight forwarder" restoring provisions relating to persons having beneficial interests, effective after Dec. 31, 1983, was repealed by Pub. L. 98-210.

1980—Pub. L. 96-325 added definition of "maritime labor agreement".

1978—Pub. L. 95-483 added definition of "controlled carrier".

1961—Pub. L. 87-254 added definitions of "carrying on the business of forwarding" and "independent ocean freight forwarder".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Effective and Termination Dates of 1981 Amendment

Section 1608(c) of Pub. L. 97-35 which provided in part that section 1608 [amending sections 801 and 841b of this Appendix and enacting provisions set out as a note under this section] shall remain in effect until Dec. 31, 1983, was repealed by Pub. L. 98-210, § 6, Dec. 6, 1983, 97 Stat. 1410, and Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 89.

Effective Date of 1978 Amendment

Section 4 of Pub. L. 95-483 provided that: "The provisions of this Act, including the amendments made by this Act [amending sections 801 and 817 of this Appendix and enacting a provision set out as a note under section 842 of this Appendix], shall become effective thirty days after its date of enactment [Oct. 18, 1978]."

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Section 1608 of Pub. L. 97-35, cited as a credit to this section, was repealed by section 20(a) of Pub. L. 98-237.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Report to Congress on Enforceability and Need

Section 1608(c) of Pub. L. 97-35 which, in part, required the Federal Maritime Commission, by June 1, 1983, to submit a report to Congress evaluating the enforceability of this section [amending sections 801 and 841b of this Appendix] and describing any reasons why this section should not be made permanent law, was repealed by Pub. L. 98-210, § 6, Dec. 6, 1983, 97 Stat. 1410, and Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 89.

Section Referred to in Other Sections

This section is referred to in sections 845b, 888 of this Appendix; title 49 section 10703.

§ 802. Corporation, partnership, or association as citizen

(a) Ownership of controlling interest

Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president or other chief executive officer and the chairman of its board of directors are citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) Determination of controlling interest

The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Determination of seventy-five per centum of interest

Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(Sept. 7, 1916, ch. 451, § 2(a)-(c), 39 Stat. 729; July 15, 1918, ch. 152, § 2, 40 Stat. 900; June 5, 1920, ch. 250, § 38, 41 Stat. 1008; Sept. 21, 1959, Pub. L. 86-327, § 3, 73 Stat. 597.)

CODIFICATION

Section comprises subsecs. (a) to (c) of section 2 of act Sept. 7, 1916, as amended. Subsec. (d) of the act is classified to section 803 of this Appendix.

Act Sept. 7, 1916, was amended by act July 15, 1918, which added par. relating to requirements for determining controlling interest.

The act was further amended by act June 5, 1920, which added par. relating to percentage of corporate interest required to be owned by United States citizens and provisions of first par. concerning vessels in coastwise trade, and designated existing paragraphs as subsecs. (a) to (d).

AMENDMENTS

1959—Subsec. (a). Pub. L. 86-327 redefined citizenship qualification for corporations by substituting requirement that the president or other chief executive officer and the chairman of the board of directors be United States citizens and that no more of the directors than a minority of the number necessary to constitute a quorum be noncitizens for requirement that the president and managing directors be United States citizens.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 883-1, 888, 891u, 922, 1244, 1271 of this Appendix; title 15 sections 144, 713c-3, 2509; title 16 section 742c; title 30 section 1522; title 42 section 5919; title 50 App. section 1736.

§ 803. Applicability of chapter to receivers and trustees

The provisions of this chapter shall apply to receivers and trustees of all persons to whom the chapter applies, and to the successors or assignees of such persons.

(Sept. 7, 1916, ch. 451, § 2(d), 39 Stat. 729; July 15, 1918, ch. 152, § 2, 40 Stat. 900; June 5, 1920, ch. 250, § 38, 41 Stat. 1008.)

CODIFICATION

Section comprises subsec. (d) of section 2 of act Sept. 7, 1916, as amended. Subsecs. (a) to (c) of section 2 of the act are classified to section 802 of this Appendix.

Acts July 15, 1918, and June 5, 1920, made no change in this provision of the act Sept. 7, 1916, except that it was designated subsec. (d) by section 38 of act June 5, 1920. See Codification note set out under section 802 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 888 of this Appendix.

§ 804. Federal Maritime Commission; rules and regulations for filing of rates and charges for barging and affreighting of containers or containerized cargo by barges within the United States

Notwithstanding part III of the Interstate Commerce Act, as amended, or any other provision of law, rates and charges for the barging and affreighting of containers or containerized cargo by barge between points in the United States, shall be filed solely with the Federal Maritime Commission in accordance with rules and regulations promulgated by the Commission where (a) the cargo is moving between a point in a foreign country or a non-contiguous State, territory, or possession and a point in the United States, (b) the transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading, (c) such terminal operator is a Pacific Slope State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service in question as of January 2, 1975, and (d) such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service. The terminal operator providing such services shall be subject to the provisions of this chapter.

(Sept. 7, 1916, ch. 451, § 3, as added Jan. 2, 1975, Pub. L. 93-605, § 2(a), 88 Stat. 1966.)

REFERENCES IN TEXT

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended, part III of which was classified to chapter 12 (§ 901 et seq.) of former Title 49, Transportation. The Act was repealed by Pub. L. 95-473, § 4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49. For distribution of sections of former Title 49 into the revised Title 49, see Table at the beginning of Title 49.

PRIOR PROVISIONS

A prior section 804, acts Sept. 7, 1916, ch. 451, § 3, 39 Stat. 729; June 5, 1920, ch. 250, § 3, 41 Stat. 989, which established the United States Shipping Board and enumerated its duties was repealed by act June 29, 1936, ch. 858, title IX, § 903(a), 49 Stat. 2016.

RULES AND REGULATIONS

Section 2(b) of Pub. L. 93-605 provided that: "Within one hundred and twenty days after enactment of this Act [Jan. 2, 1975], the Federal Maritime Commission shall promulgate rules and regulations for the barge operations described in the amendment made by the first section of this Act [probably refers to this section]. Such rules shall provide that the rates charged shall be based upon factors normally considered by a regular commercial operator in the same service."

§ 804a. Omitted

CODIFICATION

Section, act June 30, 1932, ch. 314, § 306, 47 Stat. 408, which reorganized the United States Shipping Board, was omitted in view of the abolishment of the Board by Ex. Ord. No. 6166, § 12, eff. June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

Section was not enacted as part of the Shipping Act, 1916 which comprises this chapter.

§ 808. Registration, enrollment, and licensing of vessels purchased, chartered, or leased; regulations; coastwise trade

Any vessel purchased, chartered, or leased from the Secretary of Transportation, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry on enrollment and license under this chapter, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered by the Secretary of Transportation to any person a citizen of the United States, as provided in this chapter, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person.

Every vessel purchased, chartered, or leased from the Secretary of Transportation shall, unless otherwise authorized by the Secretary of Transportation, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

Except as provided in section 1181 of this Appendix, it shall be unlawful, without the approval of the Secretary of Transportation, to sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, or transfer or place under foreign registry or flag, any vessel or any interest therein owned in whole or in part by a citizen of the United States and documented under the laws of the United States, or the last documentation of which was under the laws of the United States.

The issuance, transfer, or assignment of a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, to a person not a citizen of the United States, without the approval of the Secretary of Transportation, is unlawful unless the trustee or a substitute trustee of such mortgage or assignment is approved by the Secretary of Transportation. The Secretary of Transportation shall grant his approval if such trustee or a substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000. If such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Transportation shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretrry of Transportation, shall be unlawful. The trustee or substitute trustee approved by the Secretary of Transportation shall not operate the vessel under the mortgage or assignment without the approval of the Secretary of Transportation. If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, is issued, transferred, or assigned to a person not a citizen of the United States in violation of this section, the issuance, transfer, or assignment shall be void.

Any such vessel, or any interest therein, chartered, sold, transferred, or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both.

(Sept. 7, 1916, ch. 451, § 9, 39 Stat. 730; July 15, 1918, ch. 152, § 3, 40 Stat. 900; June 5, 1920, ch. 250, § 18, 41 Stat. 994; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; June 23, 1938, ch. 600, § 42, 52 Stat. 964; Nov. 8, 1965, Pub. L. 89-346, § 1, 79 Stat. 1305; Aug. 6, 1981, Pub. L. 97-31, § 12(26), 95 Stat. 155.)

CODIFICATION

Section is based on act Sept. 7, 1916, and as originally enacted, it read:

"Any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this Act, may engage in the coastwise trade of the United States.

"Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag, or sold; nor, except under regulations prescribed by the board, be chartered or leased.

"When the United States is at war, or during any national emergency the existence of which is declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States, or transferred to a foreign registry or flag. No vessel registered or enrolled and licensed under the laws of the United States, or owned by any person a citizen of the United States, except one which the board is prohibited from purchasing, shall be sold to any person not a citizen of the United States or transferred to a foreign registry or flag, unless such vessel is first tendered to the board at the price in good faith offered by others, or, if no such offer, at a fair price to be determined in the manner provided in section ten.

"Any vessel sold, chartered, leased, transferred, or operated in violation of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment of not more than five years, or both such fine and imprisonment."

The act was amended by act July 15, 1918, which added the words "while owned, leased, or chartered by such a person," at the end of the first paragraph, and changed the last two paragraphs to read as follows:

"No vessel documented under the laws of the United States or owned by any person a citizen of the United States or by a corporation organized under the laws of the United States or of any State, Territory, District, or possession thereof, except one which the board is prohibited from purchasing, shall be sold to any person not a citizen of the United States or transferred to or placed under a foreign registry or flag, unless such vessel is first tendered to the board at the price in good faith offered by others, or, if no such offer, at a fair price to be determined in the manner provided in section ten.

"Any vessel sold, chartered, leased, transferred to or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both."

The act was again amended by act June 5, 1920, to read:

"Any vessel purchased, chartered, or leased from the board, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this act, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered by the board to any person a citizen of the United States, as provided in this act, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person.

"Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

"It shall be unlawful to sell, transfer or mortgage, or, except under regulations prescribed by the board, to charter, any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, or to put the same under a foreign registry or flag, without first obtaining the board's approval.

"Any vessel chartered, sold, transferred or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both."

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "United States Maritime Commission", "Commission", and "Secretary of Commerce" wherever appearing. For prior transfers of functions, see Transfer of Functions note below.

1965—Pub. L. 89-346 made it unlawful to issue, transfer, or assign a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, to a person not a citizen of the United States, without the approval of the Secretary of Commerce, unless the trustee or a substitute trustee of such mortgage or assignment is approved by the Secretary of Commerce, required the Secretary to grant his approval if such trustee or substitute trustee is a bank or trust company which meets certain specified qualifications and to disapprove such trustee or substitute trustee if at any time he ceases to meet such qualifications, made it unlawful to transfer or assign such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary, after such disapproval, prohibited the trustee or substitute trustee approved by the Secretary to operate the vessel under the mortgage or assignment without approval of the Secretary, and voided the issuance, transfer, or assignments of bonds, notes, or other evidences of indebtedness if issued, transferred, or assigned to a person not a citizen of United States in violation of this section.

1938—Act June 23, 1938, amended last two paragraphs generally.

RETROACTIVE PROVISIONS

Section 4 of Pub. L. 89-346 provided that: "Bonds, notes, and other evidence of indebtedness which are secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction which have heretofore been issued, transferred, or assigned, or are issued, transferred, or assigned within one year after the enactment of this Act [Nov. 8, 1965], to a person not a citizen of the United States without the approval of the Secretary of Commerce are valid in the hands of such person and the validity and perferred status of such mortgage and the validity and lawfulness of such issuance, transfer, or assignment shall not be affected by such issuance, transfer, or assignment if the trustee or a substitute trustee is approved by the Secretary of Commerce within one year after enactment of this Act [Nov. 8, 1965], under the standards for trustees specified in the amendments made by this Act to sections 9 and 37 of the Shipping Act, 1916 [sections 808 and 835 of this Appendix], and to subsection O of the Ship Mortgage Act, 1920 [section 961 of this Appendix].

"Nothing in this section shall be construed to alter retroactively any rights which were the subject matter of litigation pending on the date of enactment of this Act [Nov. 8, 1965]."

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"United States Maritime Commission" was substituted for "United States Shipping Board". For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

CROSS REFERENCES

Corporation meeting certain conditions deemed citizens for purposes of this section, see section 883-1 of this Appendix.

Definition of enrollment, license, or register with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Documentation of foreign merchant vessels acquired under emergency authority, see section 198 of Title 50, War and National Defense.

Offense punishable by imprisonment for term in excess of one year deemed a felony, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 808a, 838, 839, 864, 865a, 883, 883-1, 1160 of this Appendix; title 50 section 198; title 50 App. section 1739.

§ 808a. Sale, chartering, leasing, mortgaging or transfering of documented vessels without approval of Secretary

A vessel that is or was last documented under chapter 121 of title 46 may be sold, chartered, leased, mortgaged, or transferred by any other means to a citizen of the United States (as defined in section 2101 of that title) without the approval of the Secretary of Transportation under section 808 of this Appendix.

(Pub. L. 98-454, title III, § 302, Oct. 5, 1984, 98 Stat. 1734.)

CODIFICATION

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

§ 810a. Omitted

CODIFICATION

Section, act Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1083, which changed the name of the United States Shipping Board Emergency Fleet Corporation to United States Shipping Board Merchant Fleet Corporation, was omitted in view of the abolishment of the corporation. See former section 1113 of this Appendix.

Section was not enacted as part of the Shipping Act, 1916 which comprises this chapter.

§ 811. Investigations as to cost of merchant vessels

The Secretary of Transportation shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. The Secretary shall examine the rules under which vessels are constructed abroad and in the United States, and the methods of classifying and rating same, and the Secretary shall examine into the subject of marine insurance, the number of companies in the United States, domestic and foreign, engaging in marine insurance, the extent of the insurance on hulls and cargoes placed or written in the United States, and the extent of reinsurance of American maritime risks in foreign companies, and ascertain what steps may be necessary to develop an ample marine insurance system as an aid in the development of an American merchant marine. The Secretary shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as the Secretary deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine. The Secretary shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping.

The Secretary shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include his recommendations and the results of his investigations, a summary of his transactions, and a statement of all expenditures and receipts under this chapter, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the Secretary of Transportation.

(Sept. 7, 1916, ch. 451, § 12, 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(27), 95 Stat. 155.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission", "The Secretary" for "It", "the Secretary" for "it", and "his" for "its" wherever appearing. For prior transfers of functions, see Transfer of Functions note below.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Commission" which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166, and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 812. Rebates and discriminations by carriers by water prohibited; use of "fighting ship"

No common carrier by water in interstate commerce shall, directly or indirectly, in respect to the transportation by water of passengers or property between a port of a State, Territory, District, or possession of the United States and any other such port—

First. Pay or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow a deferred rebate to any shipper. The term "deferred rebate" in this chapter means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term "fighting ship" in this chapter means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than $25,000 for each offense.

(Sept. 7, 1916, ch. 451, § 14, 39 Stat. 733; June 5, 1920, ch. 250, § 20, 41 Stat. 996; Aug. 12, 1958, Pub. L. 85-626, § 1, 72 Stat. 574; Mar. 20, 1984, Pub. L. 98-237, § 20(a), (b)(2)-(4), 98 Stat. 88, 89.)

AMENDMENTS

1984—Pub. L. 98-237, § 20(b)(2), (3), in first introductory paragraph, substituted "common carrier by water in interstate commerce" for "common carrier by water" and struck out "or a port of a foreign country" after "any other such port".

Pub. L. 98-237, § 20(b)(4), struck out provision, in last paragraph, that nothing in this chapter be construed to forbid dual rate contract arrangements in use by members of conference on May 19, 1958, unless regulatory body disapproves arrangement, and defined "dual rate contract arrangements", which had terminated pursuant to section 2 of Pub. L. 85-626, set out as an Effective and Termination Date of 1958 Amendment note below.

1958—Pub. L. 85-626 provided, in last paragraph, that nothing in this chapter be construed to forbid dual rate contract arrangements in use by members of conference on May 19, 1958, unless regulatory body disapproves arrangement, and defined "dual rate contract arrangements".

1920—Act June 5, 1920, inserted "directly or indirectly" at end of first introductory paragraph and the rest of that paragraph.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

EFFECTIVE AND TERMINATION DATE OF 1958 AMENDMENT

Section 2 of Pub. L. 85-626 as amended by Pub. L. 86-542, June 29, 1960, 74 Stat. 253; Pub. L. 87-75, June 30, 1961, 75 Stat. 195; Pub. L. 87-252, § 2, Sept. 16, 1961, 75 Stat. 521, provided that: "This Act [amending this section] shall be effective immediately upon enactment [Aug. 12, 1958] and shall cease to be effective on and after October 15, 1961: *Provided, however,* That contracts in effect midnight September 14, 1961, shall remain in effect until midnight October 15, 1961, unless such contracts terminate earlier by their own terms, or are rendered illegal under the terms of the first section of this Act [amending this section]."

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

Section 20 of act June 5, 1920, cited as a credit to this section, was repealed by Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

TRANSFER OF FUNCTIONS

All functions under this section vested in the Federal Maritime Board under the provisions of Reorg. Plan No. 21 of 1950, set out as a note under section 1111 of this Appendix, transferred to the Federal Maritime Commission by section 103(a) of Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out as a note under section 1111 of this Appendix. Section 104 of Reorg. Plan No. 7 of 1961, transferred to the Chairman of the Federal Maritime Commission the functions of the Chairman of the Federal Maritime Board, including his functions derived from the provisions of Reorg. Plan No. 6 of 1949, set out as a note under section 1111 of this Appendix, to the extent that they relate to the functions transferred to the Commission by the provisions of section 103 of Reorg. Plan No. 7 of 1961, and the functions of the Secretary of Commerce to the extent that they are necessary for, or incidental to, the administration of the functions transferred to the Commission by the provisions of section 103 of Reorg. Plan No. 7 of 1961.

Section Referred to in Other Sections

This section is referred to in section 831 of this Appendix.

§§ 813, 813a. Repealed. Pub. L. 98–237, § 20(a), Mar. 20, 1984, 98 Stat. 88

Section 813, acts Sept. 7, 1916, ch. 451, § 14a, as added June 5, 1920, ch. 250, § 20, 41 Stat. 996, and amended Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97–31, § 12(28), 95 Stat. 155, related to the Federal Maritime Commission's determination as to the violation of section 812 of this Appendix by persons not citizens of the United States engaged in transportation by water of passengers or property. See section 1710 of this Appendix.

Section 813a, act Sept. 7, 1916, ch. 451, § 14b, as added Oct. 3, 1961, Pub. L. 87–346, § 1, 75 Stat. 762, related to dual rate contracts used by carriers in foreign commerce. See section 1707 of this Appendix.

Effective Date of Repeal

Sections repealed effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98–237, set out as an Effective Date note under section 1701 of this Appendix.

Savings Provision

Repeal by Pub. L. 98–237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Agreements Affected by 1961 Shipping Act Amendments

Section 3 of Pub. L. 87-346, as amended by Pub. L. 88-5, Apr. 3, 1963, 77 Stat. 5, provided that: "Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act [sections 812, 813a, and 814 of this Appendix], all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act [Oct. 3, 1961], shall remain lawful unless disapproved, canceled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period but not beyond April 3, 1964. Within such period the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act."

§ 814. Contracts between carriers filed with Commission; definition of "agreement"; approval, disapproval, etc., by Commission; unlawful execution of agreements; conference agreements; assessment agreements; antitrust laws exemption; civil action for penalties; terminal leases exemption

Every common carrier by water in interstate commerce, or other person subject to this chapter, shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this chapter, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term "agreement" in this section includes understandings, conferences, and other arrangements, but does not include maritime labor agreements or any provisions of such agreements, unless such provisions provide for an assessment agreement described in the fifth paragraph of this section.

The Commission shall by order, after notice and hearing, disapprove, cancel or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of this chapter, and shall approve all other agreements, modifications, or cancellations. No such agreement shall be approved, nor shall continued approval be permitted for any agreement (1) between carriers not members of the same conference or conferences of carriers serving different trades that would otherwise be naturally competitive, unless in the case of agreements between carriers, each carrier, or in the case of agreement between conferences, each conference, retains the right of independent action, or (2) in respect to any conference agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

The Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it, or of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

Any agreement and any modification or cancellation of any agreement not approved, or disapproved, by the Commission shall be unlawful, and agreements, modifications, and cancellations shall be lawful only when and as long as approved by the Commission; before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation; except that tariff rates fares, and charges, and classifications, rules, and regulations explanatory thereof agreed upon by approved conferences, and changes and amendments thereto, if otherwise in accordance with law, shall be permitted to take effect without prior approval upon compliance with the provisions of any regulations the Commission may adopt.

Assessment agreements, whether part of a collective bargaining agreement or negotiated separately, to the extent they provide for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized, shall be deemed approved upon filing with the Commission. The Commission shall thereafter, upon complaint filed within 2 years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports, or to operate to the detriment of the commerce of the United States. The Commission shall issue its final decision in any such complaint proceeding within 1 year of the date of filing of the complaint. To the extent that any assessment or charge is found, in such a complaint proceeding, to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. Such adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. To the extent that any provision of this paragraph conflicts with the language of section 821 of this Appendix or any other section of this chapter, or of the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], the provisions of this paragraph shall control in any matter involving assessment agreements described herein.

Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the Act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and amendments and Acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the Act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and amendments and Acts supplementary thereto.

Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues: *Provided, however*, That the penalty provisions of this section shall not apply to leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities which were entered into before the date of enactment of this Act, and, if continued in effect beyond said date, submitted to the Federal Maritime Commission for approval prior to or within ninety days after the enactment of this Act, unless such leases, licenses, assignments, or other agreements for the use of terminal facilities are disapproved, modified, or canceled by the Commission and are continued in operation without regard to the Commission's action thereon. The Commission shall promptly approve, disapprove, cancel, or modify each such agreement in accordance with the provisions of this section.

(Sept. 7, 1916, ch. 451, § 15, 39 Stat. 733; Oct. 3, 1961, Pub. L. 87-346, § 2, 75 Stat. 763; Feb. 29, 1964, Pub. L. 88-275, 78 Stat. 148; Aug. 29, 1972, Pub. L. 92-416, § 1(a), 86 Stat. 653; Aug. 8, 1980, Pub. L. 96-325, §§ 3, 4, 94 Stat. 1021; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), (5), (6), 98 Stat. 89.)

REFERENCES IN TEXT

The Intercoastal Shipping Act, 1933, referred to in text, is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

Act of July 2, 1890, referred to in text, is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, known as the Sherman Act, which enacted sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

Sections 73 to 77, both inclusive, of the Act of August 27, 1894, referred to in text, are sections 73 to 77 of act Aug. 27, 1894, ch. 349, 28 Stat. 570, as amended, known as the Wilson Tariff Act. Sections 73 to 76 enacted sections 8 to 11 of Title 15. Section 77 was not classified to the Code. For complete classification of this Act to the Code, see Short Title note set out under section 8 of Title 15 and Tables.

Date of enactment of this Act and enactment of this Act, referred to in text, probably means the date of enactment of Pub. L. 88-275, which was approved Feb. 29, 1964.

AMENDMENTS

1984—Pub. L. 98-237, § 20(b)(2), in first par., substituted "common carrier by water in interstate commerce" for "common carrier by water".

Pub. L. 98-237, § 20(b)(5), in fourth par., struck out "(including changes in special rates and charges covered by section 813a of this Appendix which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" after "regulations explanatory thereof" and struck out "with the publication and filing requirements of section 817(b) of this Appendix and" after "approval upon compliance".

Pub. L. 98-237, § 20(b)(6), in sixth par., struck out ", or permitted under section 813a of this Appendix," after "under this section".

Pub. L. 98-237, § 20(b)(6), in seventh par., struck out "or of section 813a of this Appendix" after "Whoever violates any provision of this section".

1980—Pub. L. 96-325, § 3, amended first par., excluding maritime labor agreements or any provisions of such agreements from being considered agreements under this section, unless such provisions provide for an assessment agreement as described in this section.

Pub. L. 96-325, § 4, inserted fifth par. concerning approval, disapproval, cancellation, or modification of assessment agreements, adjustments on assessment agreements, and the controlling nature of provisions of this section regarding assessment agreements.

1972—Pub. L. 92-416 substituted a civil penalty of not more than $1,000 for each day of violation, for a penalty of not more than $1,000 for each day of violation, and struck out provisions relating to the recovery by the United States in a civil action, in last paragraph relating to penalties.

1964—Pub. L. 88-275 provided for exemption of certain terminal leases from penalties.

1961—Pub. L. 87-346 amended section generally and, among other changes, substituted "Commission" for "Board" and included provisions referring to sections 813a and 817(b) of this Appendix.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

COMPROMISE OR RECOVERY OF CIVIL PENALTY

Section 3 of Pub. L. 92-416 provided that: "Any civil penalty provided herein [amending sections 814, 815, 817, 831, and 844 of this Appendix] may be compromised by the Federal Maritime Commission, or may be recovered by the United States in a civil action."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 819, 831, 1706 of this Appendix.

§ 815. Discriminatory acts prohibited

It shall be unlawful for any shipper, consignor, consignee, forwarder, broker, or other person, or any officer, agent, or employee thereof, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water in interstate commerce for property at less than the rates or charges which would otherwise be applicable.

It shall be unlawful for any common carrier by water in interstate commerce, or other person subject to this chapter, either alone or in conjunction with any other person, directly or indirectly—

First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Second. To allow any person to obtain transportation for property at less than the regular rates or charges then established and enforced on the line of such carrier by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this chapter.

Whoever violates any provision of this section other than paragraphs First and Third hereof shall be subject to a civil penalty of not more than $25,000 for each such violation.

Whoever violates paragraphs First and Third hereof shall be guilty of a misdemeanor punishable by a fine of not more than $5,000 for each offense.

(Sept. 7, 1916, ch. 451, § 16, 39 Stat. 734; June 16, 1936, ch. 581, 49 Stat. 1518; Oct. 3, 1961, Pub. L. 87-346, § 6, 75 Stat. 766; Aug. 29, 1972, Pub. L. 92-416, § 1(b), 86 Stat. 653; June 19, 1979, Pub. L. 96-25, § 2, 93 Stat. 71; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), (7), 98 Stat. 89; Oct. 30, 1984, Pub. L. 98-595, § 3(a)(2), 98 Stat. 3132.)

AMENDMENTS

1984—Pub. L. 98-595, in first par., substituted "transportation by water in interstate commerce" for "transportation by water".

Pub. L. 98-237, § 20(b)(2), in second par., substituted "common carrier by water in interstate commerce" for "common carrier by water".

Pub. L. 98-237, § 20(b)(7), in par. First, substituted a period for a colon after "prejudice or disadvantage in any respect whatsoever" and struck out proviso which had directed that, within thirty days after the effective date or the filing with the Commission, whichever was later, of any conference freight rate, rule, or regulation in the foreign commerce of the United States, the Governor of any State, Commonwealth, or possession of the United States could file a protest with the Commission upon the ground that the rate, rule, or regulation unjustly discriminated against that State, Commonwealth, or possession of the United States, in which case the Commission would issue an order to the conference to show cause why the rate, rule, or regulation should not be set aside, and that, one hundred and eighty days from the date of the issuance of such order, the Commission would determine whether or not such rate, rule, or regulation was unjustly discriminatory and would issue a final order either dismissing the protest, or setting aside the rate, rule, or regulation.

1979—Pub. L. 96-25 increased the civil penalty for violating any provision of this section other than paragraphs First and Third from not more than $5,000 for each violation to not more than $25,000 for each violation.

1972—Pub. L. 92-416 substituted a civil penalty of not more than $5,000 for each violation of provisions of this section other than paragraphs First and Third, and a criminal penalty of not more than $5,000 for violation of paragraphs First and Third, for provisions providing for a penalty of $5,000 for violation of this section.

1961—Pub. L. 87-346 added provisions at end of par. First permitting the filing of protests.

1936—Act June 16, 1936, inserted opening par., added par. relating to punishment of violations, and inserted "or charges" after "regular rates" in par. designated "Second".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 11 of Pub. L. 96-25 provided that: "The provisions of this Act [amending sections 815, 817, 820, 821, 822, 826, 828, 829, and 831 of this Appendix and enacting provisions set out as a note under section 842 of this Appendix], including the amendments made by this Act, shall become effective immediately upon its date of enactment [June 19, 1979]."

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

COMPROMISE OR RECOVERY OF CIVIL PENALTY

Civil penalty may be compromised by the Federal Maritime Commission or recovered by the United States in a civil action, see section 3 of Pub. L. 92-416, set out as a note under section 814 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831 of this Appendix.

§ 816. Just and reasonable regulations and practices; supervision by Commission

Every other person subject to this chapter shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the Commission finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

(Sept. 7, 1916, ch. 451, § 17, 39 Stat. 734; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(8), 98 Stat. 89.)

AMENDMENTS

1984—Pub. L. 98-237 substituted "Every other person subject to this chapter" for "Every such carrier and every other person subject to this chapter" and struck out first paragraph which had provided that no common carrier by water in foreign commerce could demand, charge, or collect any rate, fare, or charge which was unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors, and that, whenever the Federal Maritime Commission found that any such rate, fare, or charge was demanded, charged, or collected it could alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge. See section 1709(b) of this Appendix.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

TRANSFER OF FUNCTIONS

"Commission" (meaning Federal Maritime Commission) has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Board" (meaning Federal Maritime Board) was substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831 of this Appendix.

§ 817. Carriers in interstate commerce to establish, observe, and enforce reasonable rates and regulations

(a) Every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

Every such carrier shall file with the Commission and keep open to public inspection, in the form and manner and within the time prescribed by the Commission, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the Commission and after ten days' public notice in the form and manner prescribed by the Commission, stating the increase proposed to be made; but the Commission for good cause shown may waive such notice.

Whenever the Commission finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

(b), (c) Repealed. Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88.

(Sept. 7, 1916, ch. 451, § 18, 39 Stat. 735; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a) eff. Aug. 12, 1961 26 F.R. 7315, 75 Stat. 840; Oct. 3, 1961, Pub. L. 87-346, § 4, 75 Stat. 764; Aug. 22, 1963, Pub. L. 88-103, 77 Stat. 129; Oct. 30, 1965, Pub. L. 89-303, 79 Stat. 1124; Apr. 29, 1968, Pub. L. 90-298, 82 Stat. 111; Aug. 29, 1972, Pub. L. 92-416, § 1(c), 86 Stat. 653; Oct. 18, 1978, Pub. L. 95-483, § 3, 92 Stat. 1607; June 19, 1979, Pub. L. 96-25, § 3, 93 Stat. 71; Mar. 20, 1984, Pub. L. 98-237, § 20(a), 98 Stat. 88.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-237 struck out subsec. (b) which had provided for the filing and maintenance for public inspection by common carriers by water in foreign commerce of tariffs showing rates and charges for transportation in foreign commerce, the maintenance and application of those tariffs, and the penalties for the violation of their terms. See section 1707 of this Appendix.

Subsec. (c). Pub. L. 98-237 struck out subsec. (c) which had provided that the rates and charges in the tariffs filed by controlled carriers be at just and reasonable levels. See section 1707 of this Appendix.

1979—Subsec. (b). Pub. L. 96-25 substituted "any provision of this section, other than subsection (b)(3) hereof involving rebates or refunds shall be subject to a civil penalty of not more than $5,000" for "any provision of this section shall be subject to a civil penalty of not more than $1,000" in par. (6) and added par. (7) and provisions following par. (7).

1978—Subsec. (c). Pub. L. 95-483 added subsec. (c).

1972—Subsec. (b)(6). Pub. L. 92-416 substituted civil penalty of not more than $1,000 for each day of violation, for a penalty of not more than $1,000 for each day of violation recoverable by the United States in a civil action.

1968—Subsec. (b)(3). Pub. L. 90-298 added provisos that the Federal Maritime Commission may permit a common carrier by water in foreign commerce or a conference of such carriers to refund or waive collection of a portion of the freight charges, where the carrier or conference of carriers prior to applying for authority to make such refund or waiver, files a tariffs revision with the Commissions, which sets forth the refunding rate, agrees, upon approval by the Commission, to publish appropriate notice in the tariff or take such other steps as the Commission may require for the benefit of all other shippers charged or billed incorrectly, and such application for refund or waiver is filed with the Commission within 180 days from the date of shipment.

1965—Subsec. (b)(1). Pub. L. 89-303 substituted "softwood lumber" for "lumber" wherever appearing.

1963—Subsec. (b)(1). Pub. L. 88-103 inserted provisions excluding lumber from the requirements of this section.

1961—Pub. L. 87-346 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-483 effective thirty days after Oct. 18, 1978, see section 4 of Pub. L. 95-483, set out as a note under section 801 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

TRANSFER OF FUNCTIONS

In subsec. (a), "Commission" (meaning the "Federal Maritime Commission") was substituted for "Board" (meaning the "Federal Maritime Board") pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

In subsec. (a), "Board" (meaning the "Federal Maritime Board") was substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

COMPROMISE OR RECOVERY OF CIVIL PENALTY

Civil penalty may be compromised by the Federal Maritime Commission or recovered by the United States in a civil action, see section 3 of Pub. L. 92-416, set out as a note under section 814 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831 of this Appendix.

§ 817a. Omitted

CODIFICATION

Section, act July 3, 1926, ch. 764, 44 Stat. 837, related to a preferential rate for alien veterans of World War I and their families, who were granted visas to enter the United States in excess of quotas.

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

§ 817b. Free transportation of Government personnel in American vessels prohibited; exceptions; reduction of Government rate; penalty

No common carrier by water subject to this chapter; the Merchant Marine Act of 1936, as amended; [46 App. U.S.C. 1101 et seq.]; or any other Act; shall directly or indirectly issue any ticket or pass for free or reduced-rate transportation to any official or employee of the United States Government (military or civilian) or to any member of their immediate families, traveling as a passenger on any ship sailing under the American flag in foreign commerce or in commerce between the United States and its territories and possessions; except that this restriction shall not apply to persons injured in accidents at sea and physicians and nurses attending such persons, and persons rescued at sea, and except that this restriction shall not apply to persons referred to in section 405(b) of the Merchant Marine Act, 1936, as amended, relating to steamship companies carrying mails of the United States: *Provided*, That nothing in this section shall prevent the United States Government from entering into contractual arrangements with said companies for reduced transportation rates involving the traveling expenses of those Government employees (military or civilian) or their families, when such transportation costs are paid for by the United States Government. Any person or corporation who knowingly violates this section shall upon conviction thereof be fined not less than $500 nor more than $10,000 at the discretion of the courts for each such violation.

(Pub. L. 86-607, § 3, July 7, 1960, 74 Stat. 362.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in text, is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§ 1101 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 1245 of this Appendix and Tables.

Section 405(b) of the Merchant Marine Act, 1936, as amended, referred to in text, was classified to section 1145(b) of former Title 46, Shipping, and was repealed by Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 725, and reenacted as section 6433 of former Title 39, The Postal Service. Title 39 was revised and reenacted by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719, and the provisions contained in former section 6433 are covered by section 5007 of Title 39, Postal Service.

CODIFICATION

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

§ 817c. Free transportation of Government personnel in vessels under foreign flags prohibited; exceptions; penalty

No official or employee of the United States Government nor any member of their immediate families may accept directly or indirectly free or at a reduced rate passenger travel or carriage of personal property on any ship sailing under a flag other than that of the United States. This restriction shall not apply to persons injured in accidents at sea and physicians and nurses attending such persons, and persons rescued at sea, and this restriction shall not apply to persons referred to in section 405(b) of the Merchant Marine Act, 1936, as amended, relating to steamship companies carrying the mails of the United States. Any person who knowingly violates this section shall upon conviction thereof be fined not less than $500 nor more than $10,000 at the discretion of the courts for each such violation.

(Pub. L. 86-607, § 4, as added Pub. L. 87-877, § 3, Oct. 24, 1962, 76 Stat. 1201.)

REFERENCES IN TEXT

Section 405(b) of the Merchant Marine Act, 1936, as amended, referred to in text, was classified to section 1145(b) of former Title 46, Shipping, and was repealed by Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 725, and reenacted as section 6433 of Title 39, The Postal Service. Title 39 was revised and reenacted by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719, and the provisions contained in former section 6433 are covered by section 5007 of Title 39, Postal Service.

CODIFICATION

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

§ 817d. Financial responsibility of owners and charterers for death or injury to passengers or other persons

(a) Amount; method of establishment

Each owner or charterer of an American or foreign vessel having berth or stateroom accommodations for fifty or more passengers, and embarking passengers at United States ports, shall establish, under regulations prescribed by the Federal Maritime Commission, his financial responsibility to meet any liability he may incur for death or injury to passengers or other persons on voyages to or from United States ports, in an amount based upon the number of passenger accommodations aboard the vessel, calculated as follows:

$20,000 for each passenger accommodation up to and including five hundred; plus

$15,000 for each additional passenger accommodation between five hundred and one and one thousand; plus

$10,000 for each additional passenger accommodation between one thousand and one and one thousand five hundred; plus

$5,000 for each passenger accommodation in excess of one thousand five hundred:

Provided, however, That if such owner or charterer is operating more than one vessel subject to this section, the foregoing amount shall be based upon the number of passenger accommodations on the vessel being so operated which has the largest number of passenger accommodations. This amount shall be available to pay any judgment for damages, whether in amount less than or more than $20,000 for death or injury occurring on such voyages to any passenger or other person. Such financial responsibility may be established by any one of, or a combination of, the following methods which is acceptable to the Commission: (1) policies of insurance, (2) surety bonds, (3) qualifications as a self-insurer, or (4) other evidence of financial responsibility.

(b) Issuance of bond when filed with Commission

If a bond is filed with the Commission, then such bond shall be issued by a bonding company authorized to do business in the United States or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States.

(c) Civil penalties for violations; remission or mitigation of penalties

Any person who shall violate this section shall be subject to a civil penalty of not more than $5,000 in addition to a civil penalty of $200 for each passage sold, such penalties to be assessed by the Federal Maritime Commission. These penalties may be remitted or mitigated by the Federal Maritime Commission upon such terms as they in their discretion shall deem proper.

(d) Rules and regulations

The Federal Maritime Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section. The provisions of this chapter shall apply with respect to proceedings conducted by the Commission under this section.

(e) Refusal of departure clearance

The collector of customs of the port or place of departure from the United States of any vessel described in subsection (a) of this section shall refuse the clearance required by section 91 of this Appendix to any such vessel which does not have evidence furnished by the Federal Maritime Commission that the provisions of this section have been complied with.

(Pub. L. 89-777, § 2, Nov. 6, 1966, 80 Stat. 1356.)

CODIFICATION

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

EFFECTIVE DATE

Section 5 of Pub. L. 89-777 provided in part that enactment of this section by Pub. L. 89-777 is effective 9 months after Nov. 6, 1966.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 817e. Financial responsibility for indemnification of passengers for nonperformance of transportation

(a) Filing of information or bond with Commission

No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports without there first having been filed with the Federal Maritime Commission such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or in lieu thereof a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

(b) Issuance of bond when filed with Commission; amount of bond

If a bond is filed with the Commission, such bond shall be issued by a bonding company authorized to do business in the United States or any State thereof, or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States and such bond or other security shall be in an amount paid equal to the estimated total revenue for the particular transportation.

(c) Civil penalties for violations; remission or mitigation of penalties

Any person who shall violate this section shall be subject to a civil penalty of not more than $5,000 in addition to a civil penalty of $200 for each passage sold, such penalties to be assessed by the Federal Maritime Commission. These penalties may be remitted or mitigated by the Federal Maritime Commission upon such terms as they in their discretion shall deem proper.

(d) Rules and regulations

The Federal Maritime Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section. The provisions of this chapter shall apply with respect to proceedings conducted by the Commission under this section.

(e) Refusal of departure clearance

The collector of customs at the port or place of departure from the United States of any vessel described in subsection (a) of this section shall refuse the clearance required by section 91 of this Appendix to any such vessel which does not have evidence furnished by the Federal Maritime Commission that the provisions of this section have been complied with.

(Pub. L. 89-777, § 3, Nov. 6, 1966, 80 Stat. 1357.)

CODIFICATION

Section was not enacted as part of the Shipping Act, 1916, which comprises this chapter.

EFFECTIVE DATE

Section 5 of Pub. L. 89-777 provided in part that enactment of this section by Pub. L. 89-777 is effective 180 days after November 6, 1966.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 289c of this Appendix.

§ 818. Rates reduced not to be increased without approval of Commission

Whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless after hearing the Federal Maritime Commission finds that such proposed increase rests upon changed conditions other than the elimination of said competition.

(Sept. 7, 1916, ch. 451, § 19, 39 Stat. 735; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a) eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" was substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission," which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831 of this Appendix.

§ 819. Disclosure of confidential information prohibited

It shall be unlawful for any common carrier by water in interstate commerce or other person subject to this chapter, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this chapter for transportation in interstate or foreign commerce, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers; or to prevent any common carrier by water in interstate commerce which is a party to a conference agreement approved pursuant to section 814 of this Appendix, or any other person subject to this chapter, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by such carrier to receive information, from giving information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this chapter or any other Act shall be unlawful.

(Sept. 7, 1916, ch. 451, § 20, 39 Stat. 735; Oct. 3, 1961, Pub. L. 87-346, § 5, 75 Stat. 765; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), 98 Stat. 89.)

Amendments

1984—Pub. L. 98-237 substituted "common carrier by water in interstate commerce" for "common carrier by water" in one place in each par.

1961—Pub. L. 87-346 added provisions at the end excluding from the prohibition information given to the conference or its designee for the purpose of determining whether a shipper or consignee has breached his agreement with the conference or its members or whether a conference member has breached the agreement or for compiling cargo statistics.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 831 of this Appendix.

§ 820. Reports by carriers required

(a) The Federal Maritime Commission and Secretary of Transportation may require any common carrier by water in interstate commerce, or other person subject to this chapter, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it or him any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this chapter. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the Commission or Secretary so requires, and shall be furnished in the form and within the time prescribed by the Commission or Secretary. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of $100 for each day of such default.

Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than $1,000, or imprisonment for not more than one year, or to both such fine and imprisonment.

(b) The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this chapter, to file a periodic, written certification under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate which is unlawful under the provisions of this chapter;

(2) the fact that such policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made, within the company or otherwise, to prevent or correct illegal rebating; and

(4) full cooperation with the Commission in its investigation of illegal rebating or refunds in United States foreign trades, and in its efforts to end such illegal practices.

The Commission may by regulation prescribe the form and content of any certification required under the authority of this subsection. Failure to file any such certification shall result in a civil penalty of not more than $5,000 for each day such violation continues.

(Sept. 7, 1916, ch. 451, § 21, 39 Stat. 736; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; June 19, 1979, Pub. L. 96-25, § 4, 93 Stat. 71; Aug. 6, 1981, Pub. L. 97-31, § 12(29), 95 Stat. 155; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), (9), 98 Stat. 89; Oct. 30, 1984, Pub. L. 98-595, § 3(a)(3), 98 Stat. 3132.)

Amendments

1984—Subsec. (a). Pub. L. 98-237, § 20(b)(2), substituted "common carrier by water in interstate commerce" for "common carrier by water".

Subsec. (b). Pub. L. 98-595 substituted a comma for the period following "subject to this chapter".

Pub. L. 98-237, § 20(b)(9), substituted "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this chapter." for "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this chapter,".

1981—Subsec. (a). Pub. L. 97-31 substituted in first sentence "Federal Maritime Commission and Secretary of Transportation" for "Commission", "it or him" for "it" and in second sentence substituted "Commission or Secretary" for "Commission" in two places. For prior transfers of functions, see Transfer of Functions note below.

1979—Pub. L. 96-25 designated existing two pars. as subsec. (a) and added subsec. (b).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

"Commission", meaning the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 831 of this Appendix.

§ 821. Complaints to Commission and investigations

(a) Any person may file with the Federal Maritime Commission a sworn complaint setting forth any violation of this chapter by a common carrier by water in interstate commerce, or other person subject to this chapter, and asking reparation for the injury, if any, caused thereby. The Commission shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied the Commission shall, except as otherwise provided in this chapter, investigate it in such manner and by such means, and make such order as it deems proper. The Commission, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complaint for the injury caused by such violation.

(b) The Commission, upon its own motion, may in like manner and, with the same powers, investigate any violation of this chapter.

(Sept. 7, 1916, ch. 451, § 22, 39 Stat. 736; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; June 19, 1979, Pub. L. 96-25, § 5, 93 Stat. 72; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), (10), 98 Stat. 89.)

Amendments

1984—Subsec. (a). Pub. L. 98-237, § 20(b)(2), substituted "common carrier by water in interstate commerce" for "common carrier by water".

Subsec. (c). Pub. L. 98-237, § 20(b)(10), struck out subsec. (c) which had authorized the Commission, on its own motion, to institute an adjudicatory investigation into possible violations of section 815 of this Appendix (other than paragraphs First and Third) involving rebates or refunds in foreign commerce or violations of section 817(b)(3) of this Appendix involving rebates or refunds. See section 1710 of this Appendix.

1979—Subsec. (a). Pub. L. 96-25, § 5(a), designated first par. as subsec. (a).

Subsec. (b). Pub. L. 96-25, § 5(a), (b), designated second par. as subsec. (b) and, in subsec. (b) as so designated, struck out "except as to orders for the payment of money," after "The Commission, upon its own motion, may in like manner and,".

Subsec. (c). Pub. L. 96-25, § 5(c), added subsec. (c).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" and "Board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and sections 104(5) and 105(4) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 814, 826, 831, 845, 845a of this Appendix.

§ 822. Orders of Commission made only after full hearing

Orders of the Commission relating to any violation of this chapter or to any violation of any rule or regulation issued pursuant to this chapter shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.

All orders of the Federal Maritime Commission made under this chapter, as amended or supplemented, shall continue in force until its further order, or for a specified period of time, as shall be prescribed in the order, unless the same shall be suspended, or modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

(Sept. 7, 1916, ch. 451, § 23, 39 Stat. 736; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 4, 1939, ch. 417, § 1, 53 Stat. 1182; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Aug. 29, 1972, Pub. L. 92-416, § 1(d), 86 Stat. 653; June 19, 1979, Pub. L. 96-25, § 6, 93 Stat. 73.)

AMENDMENTS

1979—Pub. L. 96-25 struck out ", other than for the payment of money," after "All orders of the Commission".

1972—Pub. L. 92-416 made the hearing provisions applicable to orders of the Commission relating to violations of rules and regulations issued under this chapter.

1939—Act Aug. 4, 1939, removed the time limitation on orders, except for the payment of money.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out as a note under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" and "Board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 823. Records of Commission; copies; publication of reports; evidence

The Federal Maritime Commission shall enter of record a written report of every investigation made under this chapter in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

The Federal Maritime Commission may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

(Sept. 7, 1916, ch. 451, § 24, 39 Stat. 736; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" was substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United

States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out under section 901 of Title 5, Government Organization and Employees.

Federal Rules of Civil Procedure

Effect of rule 44 on this section, see note by Advisory Committee under rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 824. Reversal, suspension, or modification of orders

The Federal Maritime Commission may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it under this chapter. Upon application of any party to a decision or order it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the Commission, operate as a stay of such order.

(Sept. 7, 1916, ch. 451, § 25, 39 Stat. 736; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(11), 98 Stat. 89.)

Amendments

1984—Pub. L. 98-237 inserted "under this chapter" in first sentence.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" and "Board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 825. Repealed. Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88

Section, acts Sept. 7, 1916, ch. 451, § 26, 39 Stat. 737; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, related to the investigation by the Federal Maritime Commission of acts of foreign governments. See section 1710 of this Appendix.

Effective Date of Repeal

Repeal effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

§ 826. Discovery; attendance of witnesses and production of books and papers

(a) In all proceedings under section 821 of this Appendix, depositions, written interrogatories, and discovery procedure shall be available under rules and regulations issued by the Federal Maritime Commission, which rules and regulations shall, to the extent practicable, be in conformity with the rules applicable in civil proceedings in the district courts of the United States. In such proceedings, the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence, in such manner and to such an extent as the Commission may by rule or regulation require. Attendance of witnesses and the production of books, papers, documents, and other evidence in response to subpena may be required from any place in the United States at any designated place of hearing, and persons so acting under the direction of the Commission and witnesses shall, unless employees of the Commission, be entitled to the same fees and mileage as in the courts of the United States.

(b) Obedience to this section shall, on application by the Commission, be enforced as are orders of the Commission.

(Sept. 7, 1916, ch. 451, § 27, 39 Stat. 737; Dec. 6, 1967, Pub. L. 90-177, 81 Stat. 544; June 19, 1979, Pub. L. 96-25, § 7, 93 Stat. 73.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-25 struck out "other than for the payment of money" after "enforced as are orders of the Commission".

1967—Pub. L. 90-177 amended section generally, divided the existing provision into subsecs. (a) and (b), and empowered the Commission to adopt pre-trial discovery procedures along with its existing power to issue subpenas in adjudicatory proceedings under section 821 of this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 828. Enforcement of orders of Commission

In case of violation of any order of the Federal Maritime Commission under this chapter, the Commission, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

(Sept. 7, 1916, ch. 451, § 29, 39 Stat. 737; June 19, 1979, Pub. L. 96-25, § 8, 93 Stat. 73; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(12), 98 Stat. 89.)

AMENDMENTS

1984—Pub. L. 98-237 substituted "the Federal Maritime Commission under this chapter, the Commission" for "the board, the board".

1979—Pub. L. 96-25 struck out "other than an order for the payment of money," after "In case of violation of any order of the Federal Maritime Commission,".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

REPEALS

For provisional repeal see note set out preceding section 801 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

§ 829. Violation of orders of Commission for payment of money

In case of violation of any order of the Federal Maritime Commission under this chapter, for the payment of reparation the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the Commission in the premises.

In the district court the findings and order of the Federal Maritime Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If a petitioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

All parties in whose favor the Federal Maritime Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgement may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

No petition or suit for the enforcement of an order for the payment of reparation shall be maintained unless filed within one year from the date of the order.

(Sept. 7, 1916, ch. 451, § 30, 39 Stat. 737; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; June 19, 1979, Pub. L. 96-25, § 9, 93 Stat. 73; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(13), 98 Stat. 89.)

AMENDMENTS

1984—Pub. L. 98-237 inserted "under this chapter," in first par.

1979—Pub. L. 96-25 substituted "for the payment of reparation" for "for the payment of money" in first and last pars.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

Repeals

For provisional repeal see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" and "Board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

Federal Rules of Civil Procedure

Effect of rule 54 on this section, see note by Advisory Committee under rule 54, Title 28, Appendix, Judiciary and Judicial Procedure.

Judgment and costs, see rule 54.

§ 830. Venue and procedure in suits to enforce, suspend, or set aside orders

The venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the Federal Maritime Commission under this chapter, shall, except as otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

(Sept. 7, 1916, ch. 451, § 31, 39 Stat. 738; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(13), 98 Stat. 89.)

Amendments

1984—Pub. L. 98-237 inserted "under this chapter,".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" was substituted for "Maritime Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Maritime Commission", meaning the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

Cross References

Injunction by courts of appeals restraining orders, see section 2348 of Title 28, Judiciary and Judicial Procedure.

Review of orders by courts of appeals, see section 2341 et seq. of Title 28.

Section Referred to in Other Sections

This section is referred to in title 28 section 2342.

§ 831. Civil and criminal penalties

(a) Whoever violates any provision of sections 812 through 817 and 818 through 820 of this Appendix, except where a different penalty is provided, shall be subject to a civil penalty not to exceed $5,000 for each such violation.

(b) Whoever violates any provision of any other section of this chapter, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by a fine not to exceed $5,000.

(c) Whoever violates any order, rule, or regulation of the Federal Maritime Commission made or issued in the exercise of its powers, duties, or functions, under this chapter, shall be subject to a civil penalty of not more than $1,000 for each day such violation continues.

(d) No penalty shall be imposed on any person for conspiracy after August 29, 1972: (1) to rebate or refund in violation of the initial paragraph or paragraph Second of section 815 of this Appendix, or under section 817(b)(3) of this Appendix; or (2) to defraud the Commission by concealment of such rebates or refunds in any manner.

(e) Notwithstanding any other provision of law, the Commission shall have authority to assess or compromise all civil penalties provided in this chapter: *Provided, however,* That, in order to assess such penalties a formal proceeding under section 821 of this Appendix shall be commenced within five years from the date when the violation occurred.

(Sept. 7, 1916, ch. 451, § 32, 39 Stat. 738; Aug. 29, 1972, Pub. L. 92-416, § 1(e), 86 Stat. 653; June 19, 1979, Pub. L. 96-25, § 10, 93 Stat. 73; Mar. 20, 1984, Pub. L. 98-237, § 20(b)(14), (15), 98 Stat. 89.)

References in Text

Sections 813 and 813a of this Appendix, included in reference to sections 812 through 817 of this Appendix in subsec. (a), were repealed by Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88.

Section 817(b)(3) of this Appendix, referred to in subsec. (d), was repealed by Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88.

Amendments

1984—Subsec. (a). Pub. L. 98-237, § 20(b)(14), struck out reference to section 841b of this Appendix.

Subsec. (c). Pub. L. 98-237, § 20(b)(15), inserted "under this chapter,".

1979—Subsecs. (d), (e). Pub. L. 96-25 added subsecs. (d) and (e).

1972—Pub. L. 92-416 substituted subsecs. (a) to (c) for provisions making any violation of this chapter a misdemeanor punishable by a fine not exceeding $5,000.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96-25 effective June 19, 1979, see section 11 of Pub. L. 96-25, set out as a note under section 815 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Savings Provision

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Compromise or Recovery of Civil Penalty

Civil penalty may be compromised by the Federal Maritime Commission or recovered by the United States in a civil action, see section 3 of Pub. L. 92-416, set out as a note under section 814 of this Appendix.

§ 832. Powers of Interstate Commerce Commission not affected; intrastate commerce

This chapter shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the Federal Maritime Commission concurrent power or jurisdiction over any matter within the power or jurisdiction of such Interstate Commerce Commission; nor shall this chapter be construed to apply to intrastate commerce.

(Sept. 7, 1916, ch. 451, § 33, 39 Stat. 738; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(1), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(a), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840.)

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred its functions under this section to the Federal Maritime Commission by section 103(a) thereof.

"Federal Maritime Board" was substituted for "Maritime Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(1) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Maritime Commission" was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 833. Partial invalidity of chapter as not affecting remainder

If any provision of this chapter, or the application of such provision to certain circumstance, is held unconstitutional, the remainder of the chapter, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

(Sept. 7, 1916, ch. 451, § 34, 39 Stat. 738.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 833a. Exemption of agreements where exemption will not substantially impair effective regulation, be unjustly discriminatory, or detrimental to commerce; conditions; hearings

The Federal Maritime Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this chapter or any specified activity of such persons from any requirement of this chapter, or Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], where it finds that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

The Commission may attach conditions to any such exemptions and may, by order, revoke any such exemption.

No order or rule of exemption or revocation of exemption shall be issued unless opportunity for hearing has been afforded interested persons.

(Sept. 7, 1916, ch. 451, § 35, as added Nov. 6, 1966, Pub. L. 89-778, 80 Stat. 1358.)

REFERENCES IN TEXT

The Intercoastal Shipping Act, 1933, referred to in text, is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

§ 834. Refusal of clearance to vessel refusing to accept freight

The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consists of merchandise for which such vessel or vehicle is not adaptable.

(Sept. 7, 1916, ch. 451, § 36, 39 Stat. 738.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 835. Restrictions on transfer of shipping facilities during war or national emergency

When the United States is at war or during any national emergency, the existence of which is declared by proclamation of the President, it shall be unlawful, without first obtaining the approval of the Secretary of Transportation:

(a) To transfer to or place under any foreign registry or flag any vessel owned in whole or in part by any person a citizen of the United States or by a corporation organized under the laws of the United States, or of any State, Territory, District, or possession thereof; or

(b) To sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, (1) any such vessel or any interest therein, or (2) any vessel documented under the laws of the United States, or any interest therein, or (3) any shipyard, dry dock, shipbuilding or ship-repairing plant or facilities, or any interest therein; or

(c) To issue, transfer, or assign a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, or by a mortgage to a trustee on a shipyard, drydock, or shipbuilding or ship-repairing plant or facilities, to a person not a citizen of the United States, unless the trustee or a substitute trustee of such mortgage or assignment is approved by the Secretary of Transportation: *Provided, however,* That the Secretary of Transportation shall grant his approval if such trustee or a substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000; or for the trustee or substitute trustee approved by the Secretary of Transportation to operate said vessel under the mortgage or assignment: *Provided further,* That if such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Transportation, shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary of Transportation, shall be unlawful; or

(d) To enter into any contract agreement, or understanding to construct a vessel within the United States for or to be delivered to any person not a citizen of the United States, without expressly stipulating that such construction shall not begin until after the war or emergency proclaimed by the President has ended; or

(e) To make any agreement or effect any understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest or a majority of the voting power in a corporation which is organized under the laws of the United States, or of any State, Territory, District, or possession thereof, and which owns any vessel, shipyard, drydock, or shipbuilding, or ship-repairing plant or facilities; or

(f) To cause or procure any vessel constructed in whole or in part within the United States, which has never cleared for any foreign port, to depart from a port of the United States before it has been documented under the laws of the United States.

Whoever violates, or attempts or conspires to violate, any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, or by a mortgage to a trustee on a shipyard, drydock or ship-building or ship-repairing plant or facilities, is issued, transferred, or assigned to a person not a citizen of the United States in violation of subsection (c) of this section, the issuance, transfer or assignment shall be void.

Any vessel, shipyard, drydock, ship-building or ship-repairing plant or facilities, or interest therein, sold, mortgaged, leased, chartered, delivered, transferred, or documented, or agreed to be sold, mortgaged, leased, chartered, delivered, transferred, or documented, in violation of any of the provisions of this section, and any stocks, bonds, or other securities sold or transferred, or agreed to be sold or transferred, in violation of any of such provisions, or any vessel departing in violation of the provisions of subsection (f)[1] of this section, shall be forfeited to the United States.

Any such sale, mortgage, lease, charter, delivery, transfer, documentation, or agreement therefor shall be void, whether made within or without the United States, and any consideration paid therefor or deposited in connection therewith shall be recoverable at the suit of the person who has paid or deposited the same, or of his successors or assigns, after the tender of such vessel, shipyard, drydock, shipbuilding or ship-repairing plant or facilities, or interest therein, or of such stocks, bonds, or other securities, to the person entitled thereto, or after forfeiture thereof to the United States, unless the person to whom the consideration was paid, or in whose interest it was deposited, entered into the transaction in the honest belief that the person who paid or deposited such consideration was a citizen of the United States.

(Sept. 7, 1916, ch. 451, § 37, as added July 15, 1918, ch. 152, § 4, 40 Stat. 901, and amended Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Nov. 8, 1965, Pub. L. 89-346, § 2, 79 Stat. 1306; Aug. 6, 1981, Pub. L. 97-31, § 12(30), 95 Stat. 156.)

CODIFICATION

In the penultimate paragraph, "subsection (f) of this section" was editorially substituted for "subsection (e) of this section" in view of the redesignation of subsections (c) to (e) as (d) to (f), respectively, by Pub. L. 89-346, without amendment to said paragraph to reflect such redesignation.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in introductory par., and for "Secretary of Commerce" in five places in subsec. (c). For prior transfers of functions, see Transfer of Functions note below.

1965—Subsecs. (c) to (f). Pub. L. 89-346, § 2(a), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

Pub. L. 89-346, § 2(b), added provisions voiding the issuance, transfer or assignment of bonds, notes, or other evidences of indebtedness which are secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, or by a mortgage to a trustee on a shipyard, drydock or ship-building or ship-repairing plant or facilities, if such issuance, transfer or assignment is made in violation of subsec. (c) of this section.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Commission", which meant the United States Maritime Commission, was substituted, in opening provision, for "board", meaning the United States Shipping Board. For dissolution of said Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

NATIONAL EMERGENCY, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

CROSS REFERENCES

Corporation meeting certain conditions deemed citizen for purposes of this section, see section 883-1 of this Appendix.

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 838, 839, 840, 865a, 883-1, 1160 of this Appendix.

§ 836. Forfeitures

All forfeitures incurred under the provisions of this chapter may be prosecuted in the same court, and may be disposed of in the same manner, as forfeitures incurred for offenses against the law relating to the collection of duties.

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[1] See Codification note below.

(Sept. 7, 1916, ch. 451, § 38, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

NATIONAL EMERGENCY, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

CROSS REFERENCES

Forfeitures for offenses against collection of duties, see section 1604 et seq. of Title 19, Customs Duties.

§ 837. Prima facie evidence

In any action or proceeding under the provisions of this chapter to enforce a forfeiture the conviction in a court of criminal jurisdiction of any person for a violation thereof with respect to the subject of the forfeiture shall constitute prima facie evidence of such violation against the person so convicted.

(Sept. 7, 1916, ch. 451, § 39, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

NATIONAL EMERGENCY, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

§ 838. Record of sale or other disposition of vessels

Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented to any collector of the customs to be recorded, the vendee, mortgagee, or transferee shall file therewith a written declaration in such form as the Secretary of Transportation may by regulation prescribe, setting forth the facts relating to his citizenship, and such other facts as the Secretary of Transportation requires, showing that the transaction does not involve a violation of any of the provisions of section 808 or 835 of this Appendix. Unless the Secretary of Transportation, before such presentation, has failed to prescribe such form, no such bill of sale, mortgage, hypothecation, or conveyance shall be valid against any person whatsoever until such declaration has been filed. Any declaration filed by or in behalf of a corporation shall be signed by the president, secretary, or treasurer thereof, or any other official thereof duly authorized by such corporation to execute any such declaration.

Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both.

(Sept. 7, 1916, ch. 451, § 40, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902, and amended Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; May 10, 1948, ch. 269, 62 Stat. 212; Aug. 6, 1981, Pub. L. 97-31, § 12(31), 95 Stat. 156.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in three places. For prior transfers of functions, see Transfer of Functions note below.

1948—Act May 10, 1948, added at end of first par. "or any other official thereof duly authorized by such corporation to execute any such declaration."

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

NATIONAL EMERGENCY, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

Cross References

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 839. Approvals by Secretary

Whenever by section 808 or 835 of this Appendix the approval of the Secretary of Transportation is required to render any act or transaction lawful, such approval may be accorded either absolutely or upon such conditions as the Secretary of Transportation prescribes. Whenever the approval of the Secretary of Transportation is accorded upon any condition a statement of such condition shall be entered upon his records and incorporated in the same document or paper which notifies the applicant of such approval. A violation of such condition so incorporated shall constitute a misdemeanor and shall be punishable by fine and imprisonment in the same manner, and shall subject the vessel, stocks, bonds, or other subject matter of the application conditionally approved to forfeiture in the same manner, as though the act conditionally approved had been done without the approval of the Secretary of Transportation, but the offense shall be deemed to have been committed at the time of the violation of the condition.

Whenever by this chapter the approval of the Secretary of Transportation is required to render any act or transaction lawful, whoever knowingly makes any false statement of a material fact to the Secretary of Transportation, or to any officer, attorney, or agent of the Department of Transportation, for the purpose of securing such approval, shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both.

(Sept. 7, 1916, ch. 451, § 41, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902, and amended Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(32), 95 Stat. 156.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" and "his" for "its" and, in view of this amendment, "or to any officer, attorney, or agent of the Department of Transportation" were editorially substituted in second paragraph for "or to any member thereof, or to any officer, attorney, or agent thereof". For prior transfers of functions, see Transfer of Functions note below.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Transfer of Functions

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

National Emergency, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

Termination of War and Emergencies

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

Cross References

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Section Referred to in Other Sections

This section is referred to in section 865a of this Appendix.

§ 840. Documented vessels

Any vessel registered, enrolled, or licensed under the laws of the United States shall be deemed to continue to be documented under the laws of the United States within the meaning of subdivision (b) of section 835 of this Appendix, until such registry, enrollment, or license is surrendered with the approval of the Secretary of Transportation, the provisions of any other Act of Congress to the contrary notwithstanding.

(Sept. 7, 1916, ch. 451, § 42, as added July 15, 1918, ch. 152, § 4, 40 Stat. 903, and amended Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(31), 95 Stat. 156.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions, see Transfer of Functions note below.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Transfer of Functions

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

NATIONAL EMERGENCY, 1950

For Presidential Proclamation of the existence of a national emergency, see Proc. No. 2914, eff. Dec. 16, 1950, 15 F.R. 9029, 64 Stat. 454, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

CROSS REFERENCES

Definition of enrollment, license, or register with respect to vessel documentation, see section 12101 of Title 46, Shipping.

§ 841a. Rules and regulations

The Commission shall make such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Sept. 7, 1916, ch. 451, § 43, as added Oct. 3, 1961, Pub. L. 87-346, § 7, 75 Stat. 766.)

§ 841b. Repealed. Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88

Section, acts Sept. 7, 1916, ch. 451, § 44, as added Sept. 19, 1961, Pub. L. 87-254, § 2, 75 Stat. 522, and amended Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1608(b), 95 Stat. 752, related to the licensing of ocean freight forwarders. See section 1718 of this Appendix.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

§ 841c. Exemption for maritime labor agreements; exception; tariff requirements not exempt

The provisions of this chapter and of the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], shall not apply to maritime labor agreements and all provisions of such agreements except to the extent that such provisions provide for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized. Notwithstanding the preceding sentence, nothing in this section shall be construed as providing an exemption from the provisions of this chapter or of the Intercoastal Shipping Act, 1933, for any rates, charges, regulations, or practices of a common carrier by water in interstate commerce or other person subject to this chapter which are required to be set forth in a tariff, whether or not such rates, charges, regulations, or practices arise out of, or are otherwise related to a maritime labor agreement.

(Sept. 7, 1916, ch. 451, § 45, as added Aug. 8, 1980, Pub. L. 96-325, § 5, 94 Stat. 1022, and amended Mar. 20, 1984, Pub. L. 98-237, § 20(b)(2), 98 Stat. 89.)

REFERENCES IN TEXT

The Intercoastal Shipping Act, 1933, referred to in text, is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

PRIOR PROVISIONS

A prior section 45 of act Sept. 7, 1916, was renumbered 46, and is classified to section 842 of this Appendix.

AMENDMENTS

1984—Pub. L. 98-237 substituted "common carrier by water in interstate commerce" for "common carrier by water".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

REPARATION CLAIMS; CONDUCT OCCURRING OR COMMISSION PROCEEDINGS COMMENCED PRIOR TO AUGUST 8, 1980

Section 6 of Pub. L. 96-325 provided that: "The changes made to existing laws by the provisions of this Act [enacting this section, amending sections 801 and 814 of this Appendix, and enacting a provision set out as a note under section 842 of this Appendix] shall not affect any claims for reparation, if any, based upon conduct occurring prior to the date of enactment of this Act [Aug. 8, 1980] or formal Commission proceedings commenced prior to the date of enactment of this Act."

§ 842. Short title

This chapter may be cited as "Shipping Act, 1916."

(Sept. 7, 1916, ch. 451, § 46, formerly § 44, as added July 15, 1918, ch. 152, § 4, 40 Stat. 903, renumbered § 45, Sept. 19, 1961, Pub. L. 87-254, § 2, 75 Stat. 522, and renumbered § 46, Aug. 8, 1980, Pub. L. 96-325, § 5, 94 Stat. 1022.)

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96-325 provided: "That this Act [enacting section 841c of this Appendix, amending sections 801 and 814 of this Appendix, and enacting a provision set out as a note under section 841c of this Appendix] may be cited as the 'Maritime Labor Agreements Act of 1980'."

Short Title of 1979 Amendment

Pub. L. 96-25, § 1, June 19, 1979, 93 Stat. 71, provided: "That this Act [amending sections 815, 817, 820, 821, 822, 826, 828, 829, and 831 of this Appendix and enacting provisions set out as a note under section 815 of this Appendix] may be cited as the 'Shipping Act Amendments of 1979'."

Short Title of 1978 Amendment

Pub. L. 95-483, § 1, Oct. 18, 1978, 92 Stat. 1607, provided: "That this Act [amending sections 801 and 817 of this Appendix and enacting provision set out as a note under section 801 of this Appendix] may be cited as the 'Ocean Shipping Act of 1978'."

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

CHAPTER 23A—INTERCOASTAL SHIPPING

Sec.
843. Definitions.
844. Schedule of rates; filing; posting; availability; incorporation by reference in short form documents; penalties for violations.
845. Changes in the schedule of rates.
  (a) Hearings on new schedules; publication; guidelines.
  (b) Suspension of rates pending hearings; burden of proof; time limits; issuance of final decision; conferences.
  (c) Prohibition of certain suspensions; refunds.
845a. Unjust or unreasonable rates; reasonable maximum and minimum rates ordered by Commission.
845b. Application to common carrier by water in interstate commerce and carriage, etc. of property for United States, States, municipalities, or for charitable purposes.
847. Application of chapter 23 to intercoastal shipping.
848. Short title.

Repeals

For effect of subtitle IV (§ 10101 et seq.) of Title 49, Transportation, see note set out preceding section 801 of this Appendix.

Chapter Referred to in Other Sections

This chapter is referred to in sections 814, 833a, 841c, 1114, 1225, 1704 of this Appendix; title 26 section 7701; title 28 section 2342; title 49 sections 10542, 10544, 10703.

§ 843. Definitions

When used in this chapter—

(1) The term "common carrier by water in intercoastal commerce" for the purposes of this chapter shall include every common and contract carrier by water engaged in the transportation for hire of passengers or property between one State of the United States and any other State of the United States by way of the Panama Canal.

(2) The term "general increase in rates" means any change in rates, fares, or charges which will (A) result in an increase in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in intercoastal commerce; and (B) directly result in an increase in gross revenues of such carrier for the particular trade of not less than 3 per centum.

(3) The term "general decrease in rates" means any change in rates, fares, or charges which will (A) result in a decrease in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in intercoastal commerce; and (B) directly result in a decrease in gross revenue of such carrier for the particular trade of not less than 3 per centum.

(Mar. 3, 1933, ch. 199, § 1, 47 Stat. 1425; Oct. 18, 1978, Pub. L. 95-475, § 1, 92 Stat. 1494.)

Amendments

1978—Pub. L. 95-475 designated existing provisions as par. (1) and added pars. (2) and (3).

Effective Date of 1978 Amendment

Section 5 of Pub. L. 95-475 provided that: "This Act [amending sections 843 to 845a of this Appendix] shall take effect ninety days after enactment [Oct. 18, 1978]."

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 844. Schedule of rates; filing; posting; availability; incorporation by reference in short form documents; penalties for violations

Every common carrier by water in intercoastal commerce shall file with the Federal Maritime Commission and keep open to public inspection schedules showing all the rates, fares, and charges for on in connection with transportation between intercoastal points on its own route; and, if a through route has been established, all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route and points on the route of any other carrier by water. The schedules filed, and kept open to public inspection as aforesaid by any such carrier shall plainly show the places between which passengers and/or freight will be carried, and shall contain the classification of freight and of passenger accommodations in force, and shall also state separately each terminal or other charge, privilege, or facility, granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, or charges, or the value of the service rendered to the passenger consignor, or consignee, and shall include the terms and conditions of any passenger ticket, bill of lading, contract of affreightment, or other document evidencing the transportation agreement. The terms and conditions as filed with the Federal Maritime Commission shall be framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times. Such carriers in establishing and fixing rates, fares, or charges may make equal rates, fares, or charges for similar service between all ports of origin and all ports of destination, and it shall be unlawful for any such carrier, either directly or indirectly, through the medium of any agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any such carrier from extending service to any publicly owned terminal located on any improvement project authorized by the Congress at the same rates which it charges at its nearest regular port of call. Such schedules shall be plainly printed, and copies shall be kept posted in a public and conspicuous place at every wharf, dock, and office of such carrier where passengers or freight are received for transportation, in such manner that they shall be readily accessible to the public and can be conveniently inspected. In the event that any such schedule includes the terms and conditions of any passenger ticket, bill of lading, contract of affreightment or other document evidencing the transportation agreement, as herein provided, copies of such terms and conditions shall be made available to any shipper, consignee, or passenger upon request. Such terms and conditions, if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times, may be incorporated by reference in a short form of same actually issued for the transportation, or in a dock receipt or other document issued in connection therewith, by notice printed on the back of each document that all parties to the contract are bound by the terms and conditions as filed with the Federal Maritime Commission and posted on board each vessel, and when so incorporated by reference every carrier and any other person having any interest or duty in respect of such transportation shall be deemed to have such notice thereof as if all such terms and conditions had been set forth in the short form document.

No change shall be made in the rates, fares, or charges, or classifications, rules, or regulations, which have been filed and posted as required by this section, except by the publication, filing, and posting as aforesaid of a new schedule or schedules which shall become effective not earlier than thirty days after date of posting and filing thereof with the Federal Maritime Commission and such schedule or schedules shall plainly show the changes proposed to be made in the schedule or schedules then in force and the time when the rates, fares, charges, classifications, rules, or regulations as changed are to become effective: *Provided*, That no general increase in rates or general decrease in rates shall take effect before the close of the sixtieth day after the day on which such general increase in rates or general decrease in rates is posted and filed with the Commission: *Provided further*, That the Commission may, in its discretion and for good cause, allow changes upon less than the period of thirty days or sixty days herein specified: *And provided further*, That schedules or changes which provide for extension of actual service to additional ports at rates of said carrier already in effect for similar service at the nearest port of call to said additional ports shall become effective immediately upon notice to the Commission.

From and after ninety days following March 3, 1933, no person shall engage in transportation as a common carrier by water in intercoastal commerce unless and until its schedules as provided by this section have been duly and properly filed and posted; nor shall any common carrier by water in intercoastal commerce charge or demand or collect or receive a greater or less or different compensation for the transportation of passengers or property or for any service in connection therewith than the rates, fares, and/or charges which are specified in its schedules filed with the Federal Maritime Commission and duly posted and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend or deny to any person any privilege or facility, except in accordance with such schedules.

The Federal Maritime Commission shall by regulations prescribe the form and manner in which the schedules required by this section shall be published, filed, and posted; and the Commission is authorized to reject any schedule filed with it which is not in consonance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues.

(Mar. 3, 1933, ch. 199, § 2, 47 Stat. 1425; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 104(2), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; Aug. 28, 1958, Pub. L. 85-810, 72 Stat. 977; 1961 Reorg. Plan No. 7, § 103(b), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; July 9, 1965, Pub. L. 89-71, 79 Stat. 213; Aug. 29, 1972, Pub. L. 92-416, § 2, 86 Stat. 653; Oct. 18, 1978, Pub. L. 95-475, § 2, 92 Stat. 1494.)

AMENDMENTS

1978—Pub. L. 95-475 added proviso that no general increase or decrease in rates will take effect before the close of the sixtieth day after the day on which such increase or decrease is posted and filed with the Commission and inserted "or sixty days" after "thirty days" in proviso authorizing the Commission to allow changes in certain cases upon less than a thirty or sixty day period.

1972—Pub. L. 92-416 substituted a civil penalty of not more than $1,000 for each day of violation of this section, for a penalty of not more than $1,000 for each day of violation, recoverable by the United States in civil action, in last paragraph of this section.

1965—Pub. L. 89-71 substituted provisions limiting penalties to not more than $1,000 for each day the violation continues, for former provisions prescribing a fine of not less than $1,000 nor more than $5,000 for each act of violation and/or for each day the violation continues.

1958—Pub. L. 85-810 provided in first par. that the terms and conditions of any long-form document evidencing the transportation agreement of a common carrier by water in intercoastal commerce shall be included in the schedules filed with the Federal Maritime Board, shall be framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times, shall be made available to any shipper, consignee, or passenger upon request, shall be incorporated by reference in a short form document issued to the shipper, consignee, or passenger and containing a printed notice binding the parties to the terms and conditions of the long form filed with the Board and posted on board each vessel as if the term and conditions had been actually set forth in the short form document.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95-475 effective ninety days after Oct. 18, 1978, see section 5 of Pub. L. 95-475, set out as a note under section 843 of this Appendix.

Repeals

For provisional repeal, see note set out preceding section 801 of this Appendix.

Transfer of Functions

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred all of its functions under this section with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water to the Federal Maritime Commission pursuant to section 103(b) thereof.

"Federal Maritime Board" and "board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(2) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board," meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

Compromise or Recovery of Civil Penalty

Civil penalty may be compromised by the Federal Maritime Commission or recovered by the United States in a civil action, see section 3 of Pub. L. 92-416, set out as a note under section 814 of this Appendix.

§ 845. Changes in the schedule of rates

(a) Hearings on new schedules; publication; guidelines

Whenever there shall be filed with the Federal Maritime Commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation on practice affecting any rate, fare, or charge, the Commission shall have, and it is given, authority, either upon protest or upon its own initiative without protest, and if it so orders without answer or other formal pleadings by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice. The Commission shall not order a hearing pursuant to this subsection, on its own motion or upon protest, unless the Commission publishes in the Federal Register the reasons, in detail, why it considers such a hearing to be necessary and the specific issues to be resolved by such hearing. For purposes of facilitating the administration of this chapter, the Commission shall, within one year after October 18, 1978, by regulation prescribe guidelines for the determination of what constitutes a just and reasonable rate of return or profit for common carriers by water in intercoastal commerce. After the regulations referred to in the preceding sentence are initially prescribed, the Commission shall from time to time thereafter review such regulations and make such amendments thereto as may be appropriate.

(b) Suspension of rates pending hearings; burden of proof; time limits; issuance of final decision; conferences

Pending such hearing and the decision thereon the Federal Maritime Commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may, except as provided in subsection (c) of this section, from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than one hundred and eighty days beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period. At any hearing under this paragraph the burden of proof to show that the rate, fare, charge, classification, regulation, or practice is just and reasonable shall be upon the carrier or carriers. The Commission shall give preference to the hearing and decision of such questions. Notwithstanding any other provision of law, the Commission shall complete such hearing under this section within sixty days; the initial decision resulting therefrom, if any, shall be submitted in writing to the Commission within one hundred and twenty days; and the Commission shall issue a final decision thereon within one hundred and eighty days. The sixty-day, one hundred and twenty-day, and one hundred and eighty-day periods referred to in the preceding sentence shall each begin on the day on which such rate, fare, charge, classification, regulation, or practice first takes effect or, in the case of suspended matter, shall begin on the day on which such matter would have otherwise gone into effect. However, the Commission may, in its discretion and for good cause, extend the time period or suspension period for a period of not more than sixty days, if three or more Commissioners agree to such an extension. If such extension is granted, the Commission shall report in writing to Congress within ten days from the granting of such extension together with—

(A) a full explanation of the reasons for the extension,

(B) the issues involved in the matter before the Commission,

(C) the names of the personnel of the Commission working on such matter, and

(D) a record of how each Commissioner voted on the extension.

If a final decision is not issued by the Commission within the one hundred and eighty day period, or by the end of any extension period, such rate, fare, charge, classification, regulation, or practice shall, for purposes of this section, thereafter be deemed to be just and reasonable. However, if the Commission finds that it is unable to issue a final decision within such period or within such extension due to delays which are directly attributable to the proponent of such rate, charge, classification, regulation, or practice, the Commission may disapprove such rate, fare, charge, classification, regulation, or practice, upon the expiration of such period or extension. This provision shall not preclude any remedies available pursuant to section 821 of this Appendix. Notwithstanding any other provision of law, in providing a hearing for the purposes of this chapter, it shall be adequate to provide an opportunity for the submission of all evidence in written form, followed by an opportunity for briefs, written statements, or conferences of the parties. Any such conference may be chaired by an individual Commissioner, an administrative law judge, or any designated employee of the Commission.

(c) Prohibition of certain suspensions; refunds

(1) Notwithstanding any other provision of this section, the Commission may not suspend—

(A) any tariff schedule or service which extends to any additional port, actual service at the rates of the carrier involved for similar service already in effect at the nearest port of call to such additional port; or

(B) the operation of that portion of any changed rate, fare, or charge representing an increase or decrease of 5 per centum or less and filed as part of a general increase in rates or a general decrease in rates, except that the aggregate of such changes exempt from suspension shall not exceed 5 per centum during any period of twelve consecutive months; nothing in this subparagraph shall be construed as establishing a presumption that any increase or decrease in excess of 5 per centum is not just and reasonable, or that any increase or decrease less than 5 per centum is just and reasonable.

(2) If the Commission finds, as a result of any proceeding under this section with respect to a general increase in rates, that any unsuspended portion of the increase is not just and reasonable, the Commission shall order the carrier involved to refund to any person who was charged on the basis of such general increase an amount equal to that portion thereof found to be not just and reasonable plus interest on such amount computed on the basis of the average of the prime rate charged by major banks, as published by the Board of Governors of the Federal Reserve System, during the period to which the refund applies.

(Mar. 3, 1933, ch. 199, § 3, 47 Stat. 1426; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 903(d), 904, 49 Stat. 2016; Aug. 4, 1939, ch. 417, § 2, 53 Stat. 1182; 1950 Reorg. Plan No. 21, § 104(2), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(b), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Oct. 18, 1978, Pub. L. 95-475, § 3, 92 Stat. 1494.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-475, § 3(1), (2), designated first par. as subsec. (a), and in subsec. (a) as so designated, substituted "protest" for "complaint" in two places, deleted provision prohibiting suspension of a tariff schedule or service which extended to additional ports, and added provisions prohibiting the Commission from ordering hearings without publication in the Federal Register of the reasons for the hearing and the issues to be discussed, authorizing the prescription of guidelines for the determination of just and reasonable rates of return and profit for common carriers by water, and requiring the Commission to periodically review and revise said guidelines.

Subsec. (b). Pub. L. 95-475, § 3(3), (4), designated second par. as subsec. (b), and, in subsec. (b) as so designated, inserted "except as provided in subsection (c) of this section" before "from time to time", substituted "one hundred and eighty days" for "four months" after "longer period than", deleted "and decide the same as speedily as possible" after "decision of such questions", and added provisions prescribing time limits for the completion of Commission hearings and submission of the resulting initial and final Commission decisions, authorizing extensions of such time limits in the discretion of the Commission, discussing the consequences of the inability of the Commission to issue a final decision whether or not caused by undue delay attributable to actions of the proponents of the rates or practices at issue, and authorizing the submission of evidence in written form and conferences between the concerned parties.

Subsec. (c). Pub. L. 95-475, § 3(5), added subsec. (c).

1939—Act Aug. 4, 1939, inserted next to last sentence in second par.

1936—Act June 29, 1936, § 903(d), struck out last sentence prohibiting the board from affirmatively fixing specific rates.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-475 effective ninety days after Oct. 18, 1978, see section 5 of Pub. L. 95-475, set out as a note under section 843 of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" and "Commission" has been substituted for "Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred all of its functions under this section with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water to the Federal Maritime Commission pursuant to section 103(b) thereof.

"Federal Maritime Board" and "Board" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg.

Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(2) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission", which meant the United States Maritime Commission, was substituted for "board", meaning the United States Shipping Board. For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

ADMINISTRATIVE ORDERS REVIEW ACT

Court of appeals exclusive jurisdiction respecting final orders of Maritime Administration under this chapter as are subject to judicial review under section 830 of this Appendix, see section 2342 of Title 28, Judiciary and Judicial Procedure.

CROSS REFERENCES

Injunction by courts of appeals restraining orders, see section 2348 of Title 28, Judiciary and Judicial Procedure.

Review of orders by courts of appeals, see section 2341 et seq. of Title 28.

§ 845a. Unjust or unreasonable rates; reasonable maximum and minimum rates ordered by Commission

Whenever the Federal Maritime Commission finds that any rate, fare, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by any carrier subject to the provisions of this chapter is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice: *Provided*, That the minimum-rate provision of this section shall not apply to common carriers on the Great Lakes: *Provided further*, That upon such finding of unjustness or unreasonableness in a proceeding instituted by a complainant pursuant to the provisions of section 821 of this Appendix, the Commission shall direct full reparation to the complainant of the difference between the charge collected and the just and reasonable rate, fare, or charge, plus interest on such amount computed on the basis of the average of the prime rate charged by major banks, as published by the Board of Governors of the Federal Reserve System, during the period to which the reparation applies.

(Mar. 3, 1933, ch. 199, § 4, as added June 23, 1938, ch. 600, § 43(a), 52 Stat. 964, and amended 1950 Reorg. Plan No. 21, § 104(2), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274; 1961 Reorg. Plan No. 7, § 103(b), eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840; Oct. 18, 1978, Pub. L. 95-475, § 4, 92 Stat. 1496.)

AMENDMENTS

1978—Pub. L. 95-475 added proviso directing the Commission to make full reparation to a complainant where there was a proceeding finding of unjustness or unreasonableness and prescribing the method of computation of the amount of such reparation.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-475 effective ninety days after Oct. 18, 1978, see section 5 of Pub. L. 95-475, set out as a note under section 843 of this Appendix.

EFFECTIVE DATE

Section 43(e) of act June 23, 1938, provided that: "The amendments made by subsections (a), (b), (c), and (d) of this section [enacting sections 845a and 845b of this Appendix and amending sections 847 and 848 of this Appendix] shall take effect ninety days after the date of the enactment of this Act [June 23, 1938]."

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Federal Maritime Commission" has been substituted for "Federal Maritime Board" pursuant to Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, which abolished the Federal Maritime Board and transferred all of its functions under this section with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water to the Federal Maritime Commission pursuant to section 103(b) thereof.

"Federal Maritime Board" was substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 104(2) of which transferred its functions to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

ADMINISTRATIVE ORDERS REVIEW ACT

Court of appeals exclusive jurisdiction respecting final orders of Maritime Administration under this chapter as are subject to judicial review under section 830 of this Appendix, see section 2342 of Title 28, Judiciary and Judicial Procedure.

§ 845b. Application to common carrier by water in interstate commerce and carriage, etc. of property for United States, States, municipalities, or for charitable purposes

The provisions of this chapter are extended and shall apply to every common carrier by water in interstate commerce, as defined in section 801 of this Appendix, and shall apply to the carriage, storage or handling of property for the United States, State or municipal governments, or for charitable purposes.

(Mar. 3, 1933, ch. 199, § 5, as added June 23, 1938, ch. 600, § 43(a), 52 Stat. 964, and amended Oct. 26, 1974, Pub. L. 93-487, § 1, 88 Stat. 1463.)

AMENDMENTS

1974—Pub. L. 93-487 added provision relating to the applicability to the carriage, storage or handling of property for the United States, State or municipal governments, or for charitable purposes.

EFFECTIVE DATE

Section effective ninety days after June 23, 1938, see section 43(e) of act June 23, 1938, set out as a note under section 845a of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 847. Application of chapter 23 to intercoastal shipping

The provisions of the Shipping Act, 1916, as amended [46 App. U.S.C. 801 et seq.], shall in all respects, except as amended by this chapter, continue to be applicable to every carrier subject to the provisions of this chapter.

(Mar. 3, 1933, ch. 199, § 7, formerly § 5, 47 Stat. 1427, renumbered and amended June 23, 1938, ch. 600, § 43(c), 52 Stat. 965.)

REFERENCES IN TEXT

The Shipping Act, 1916, as amended, referred to in text, is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

AMENDMENTS

1938—Act June 23, 1938, amended text and renumbered section 5 of act Mar. 3, 1933, as section 7.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment effective ninety days after June 23, 1938, see section 43(e) of act June 23, 1938, set out as a note under section 845a of this Appendix.

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

§ 848. Short title

This chapter may be cited as the Intercoastal Shipping Act, 1933.

(Mar. 3, 1933, ch. 199, § 8, formerly § 6, 47 Stat. 1427, renumbered June 23, 1938, ch. 600, § 43(d), 52 Stat. 965.)

REPEALS

For provisional repeal, see note set out preceding section 801 of this Appendix.

CHAPTER 24—MERCHANT MARINE ACT, 1920

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864b. Elements considered in sale of vessels in determination of selling price.
865. Sale to aliens.
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875. Possession and control of terminal equipment and facilities.
876. Power of Secretary and Commission to make rules and regulations.
877. Coastwise laws extended to island Territories and possessions.
878, 879. Omitted.
883. Transportation of merchandise between points in United States in other than domestic built or rebuilt and documented vessels; incineration of hazardous waste at sea.
883-1. Corporation as citizen; fisheries and transportation of merchandise or passengers between points in United States; parent and subsidiary corporations; domestic built vessels; certificate; surrender of documents on change in status.
883a. Reports required of United States vessels rebuilt abroad; penalty for failure to report; mitigation of penalty.
883b. Regulations.
884. Charges for transportation subject to Interstate Commerce provisions.
885. Association of marine insurance companies; application of antitrust laws.
887. Partial invalidity.
888. Definitions.
889. Short title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1114, 1225 of this Appendix; title 15 section 1014.

§ 861. Purpose and policy of United States

It is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, insofar as may not be inconsistent with the express provisions of this Act, the Secretary of Transportation shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained.

(June 5, 1920, ch. 250, § 1, 41 Stat. 988; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(33), 95 Stat. 156.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

The shipping laws, referred to in text, are classified generally to Title 46, Shipping, and this Appendix.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "United States Maritime Commission".

Transfer of Functions

"United States Maritime Commission" was substituted for "United States Shipping Board". For dissolution of the Board and transfer of its functions to the Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 864, 871, 891 of this Appendix.

§§ 862, 863. Omitted

Codification

Section 862, act June 5, 1920, ch. 250, § 2, 41 Stat. 988, repealed certain provisions enacted during World War I which related to the construction, acquisition, and operation of ships during the emergency then existing. The section further provided that the enforcement of certain penalties and contract rights should not be affected by the repeal. Subsections (a)(1) to (5) of the section enumerated the acts and parts of acts repealed as follows:

"(1) The emergency shipping fund provisions of the Act entitled 'An Act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes,' approved June 15, 1917, (ch. 29, 40 Stat. 182), as amended by the Act entitled 'An Act to amend the emergency shipping fund provisions of the Urgent Deficiency Appropriation Act, approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes,' approved April 22, 1918 (ch. 62, 40 Stat. 535), and as further amended by the Act entitled 'An Act making appropriation to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes,' approved November 4, 1918 (ch. 201, 40 Stat. 1022).

"(2) Section 3 of such Act of April 22, 1918 (ch. 62, 40 Stat. 535).

"(3) The paragraphs numbered 2 and 3 under the heading 'Emergency shipping fund' in such Act of November 4, 1918 (ch. 201, 40 Stat. 1022); and

"(4) The Act entitled 'An Act to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes,' approved July 18, 1918 (ch. 157, 40 Stat. 913).

"(5) Sections 5, 7, and 8, Shipping Act, 1916 (Sept. 7, 1916, ch. 451, 39 Stat. 730)."

Section 863, act June 5, 1920, ch. 250, § 4, 41 Stat. 990, transferred to the United States Shipping Board all vessels (except those in the military or naval service) acquired by the President under the acts repealed by former section 862 of this Appendix or under act May 12, 1917, ch. 13, 40 Stat. 75. For dissolution of the United States Shipping Board and transfer of its functions to the United States Maritime Commission, and subsequent transfers of functions, see Transfer of Functions note set out under section 861 of this Appendix.

§ 864. Sale of vessels; terms and conditions

In order to accomplish the declared purposes of this Act, and to carry out the policy declared in section 861 of this Appendix, the Secretary of Transportation is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this Act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States except as provided in section 865 of this Appendix, all of the vessels referred to in section 863 of this Appendix or otherwise acquired by the Secretary of Transportation. Such sale shall be made at such prices and on such terms and conditions as the Secretary of Transportation may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than fifteen years after the making of the contract of sale. The Secretary of Transportation in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this Act shall be subject to the limitations and restrictions of section 808 of this Appendix.

(June 5, 1920, ch. 250, § 5, 41 Stat. 990; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(34), 95 Stat. 156.)

References in Text

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

Section 863 of this Appendix, referred to in text, was omitted from the Code.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in four places. For prior transfers of functions, see Transfer of Functions note below.

Transfer of Functions

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 865, 871, 1195 of this Appendix.

§ 864a. Purchase allowance in sale of vessels for cost of putting vessels in class

On and after June 30, 1948, the Secretary of Transportation may make allowances to purchasers of vessels for cost of putting such vessels in class, such allowances to be determined on the basis of competitive bids, without regard to the provisions of the last paragraph of section 1736(d) of Appendix to title 50.

(June 30, 1948, ch. 775, § 101, 62 Stat. 1199; Aug. 6, 1981, Pub. L. 97-31, § 12(35), 95 Stat. 156.)

CODIFICATION

Section was enacted as part of The Supplemental Independent Offices Appropriation Act, 1949, act June 30, 1948, and not as part of the Merchant Marine Act, 1920, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission", meaning the United States Maritime Commission.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 864b. Elements considered in sale of vessels in determination of selling price

On and after June 29, 1949, no sale of a vessel by the Maritime Administration of the Department of Transportation shall be completed until its ballast and equipment shall have been inventoried and their value taken into consideration by the Maritime Administration in determining the selling price.

(June 29, 1949, ch. 281, § 1, 63 Stat. 349; Aug. 6, 1981, Pub. L. 97-31, § 12(36), 95 Stat. 156.)

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1920, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Maritime Administration of the Department of Transportation" for "Maritime Commission" and "Maritime Administration" for "Commission", meaning United States Maritime Commission.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 865. Sale to aliens

The Secretary of Transportation is authorized and empowered to sell to aliens, at such prices and on such terms and conditions as he may determine, not inconsistent with the provisions of section 864 of this Appendix (except that completion of the payment of the purchase price and interest shall not be deferred more than ten years after the making of the contract of sale), such vessels as he shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine; but no such sale shall be made unless the Secretary of Transportation, after diligent effort, has been unable to sell, in accordance with the terms and conditions of section 864 of this Appendix, such vessels to persons citizens of the United States, and has determined to make such sale; and he shall make as a part of his records a full statement of his reasons for making such sale. Deferred payments of purchase price of vessels under this section shall bear interest at the rate of not less than 5¼ per centum per annum, payable semiannually.

(June 5, 1920, ch. 250, § 6, 41 Stat. 991; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(37), 95 Stat. 156.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places, "he" for "it" in three places, and "his" for "its" in two places, and struck out "upon an affirmative vote of not less than five of its members, spread upon the minutes of the board," before "determined to make such sale". For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 864 of this Appendix.

§ 865a. Sale of inactive passenger vessels to foreigners; conditions; requisition in emergency; surety bond

Notwithstanding any other provision of law or of prior contract with the United States, any vessel heretofore operated as a passenger vessel, as defined in section 613(a) of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1183(a)], under an operating-differential subsidy contract with the United States and now in inactive or layup status, except the steamship Independence and the steamship United States, may be sold and transferred to foreign ownership, registry, and flag, with the prior approval of the Secretary of Transportation. Such approval shall require (1) approval of the purchaser; (2) payment of existing debt and private obligations related to the vessel; (3) approval of the price, including terms of payment, for the sale of the vessel; (4) the seller to enter into an agreement with the Secretary whereby an amount equal to the net proceeds received from such sale in excess of existing obligations and expenses incident to the sale shall within a reasonable period not to exceed twelve months of receipt be committed and thereafter be used as equity capital for the construction of new vessels which the Secretary determines are built to effectuate the purposes and policy of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1101 et seq.]; and (5) the purchaser to enter into an agreement with the Secretary, binding upon such purchaser and any later owner of the vessel and running with title to the vessel, that (a) the vessel will not carry passengers or cargo in competition, as determined by the Secretary, with any United States-flag passenger vessel for a period of two years from the date the transferred vessel goes into operation; (b) the vessel will be made available to the United States in time of emergency and just compensation for title or use; as the case may be, shall be paid in accordance with section 902 of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1242); (c) the purchaser will comply with such further conditions as the Secretary may impose as authorized by sections 808, 835 and 839 of this Appendix; and (d) the purchaser will furnish a surety bond in an amount and with a surety satisfactory to the Secretary to secure performance of the foregoing agreements.

In addition to any other provision such agreements may contain for enforcement of (4) and (5) above, the agreements therein required may be specifically enforced by decree for specific performance or injunction in any district court of the United States. In the agreement with the Secretary the purchaser shall irrevocably appoint a corporate agent within the United States for service of process upon such purchaser in any action to enforce the agreement.

(Pub. L. 92-296, § 1, May 16, 1972, 86 Stat. 140; Pub. L. 97-31, § 12(38), Aug. 6, 1981, 95 Stat. 156.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in text, is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§ 1101 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 1245 of this Appendix and Tables.

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1920, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

§ 866. Establishment and operation of steamship lines between ports of United States

Investigation and determination by Secretary—The Secretary of Transportation is authorized and directed to investigate and determine as promptly as possible after June 5, 1920, and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, District, or possession thereof to such world and domestic markets as in his judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service.

Sale or charter of vessels—The Secretary of Transportation is authorized to sell, and if a satisfactory sale cannot be made, to charter such of the vessels referred to in section 863 of this Appendix or otherwise acquired by the Secretary of Transportation, as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the Secretary of Transportation may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the Secretary of Transportation, the Secretary of Transportation shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line cannot be made self-sustaining.

Preference in sales or charters—Preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines if the Secretary of Transportation is satisfied of the ability of such persons to maintain the service desired and proposed to be maintained, or to persons who are citizens of the United States who may then be maintaining a service from the port of the United States to or in the general direction of the world-market port to which the Secretary of Transportation has determined that such service should be established.

Lines established by shipping board; continued operation—Where steamship lines and regular service had been established and were being maintained by ships of the United States Shipping Board on June 5, 1920, such lines and service shall be maintained by the Secretary of Commerce until, in the opinion of the Secretary, the maintenance thereof is unbusinesslike and against the public interests.

Additional lines established by Secretary; rates and charges—Whenever the Secretary of Transportation shall determine, as provided in this Act, that trade conditions warrant the establishment of a service or additional service under Government administration where a service is already being given by persons, citizens of the United States, the rates and charges for such Government service shall not be less than the cost thereof, including a proper interest and depreciation charge on the value of Government vessels and equipment employed therein.

(June 5, 1920, ch. 250, § 7, 41 Stat. 991; May 22, 1928, ch. 675, § 414(b), 45 Stat. 696; Ex. Ord. No.

6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 204, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276; Aug. 6, 1981, Pub. L. 97-31, § 12(39), 95 Stat. 156.)

References in Text

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

Section 863 of this Appendix, referred to in text, was omitted from the Code.

Codification

The United States Shipping Board, referred to in fourth undesignated paragraph, was dissolved and its functions transferred to successive Federal agencies and departments. The Secretary of Commerce, referred to in such paragraph, exercised certain functions of the Board pursuant to Reorg. Plan No. 21 of 1950, and was not changed to Secretary of Transportation in view of the directory language of Pub. L. 97-31. See 1981 Amendment and Transfer of Functions notes below.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" wherever appearing except in fourth paragraph and "his" for "its". For prior transfers of functions, see Transfer of Functions note below.

1928—Act May 22, 1928, struck out paragraph which related to contracts for carrying mails.

Transfer of Functions

All the functions conferred upon the Secretary of Commerce by the provisions of Reorg. Plan No. 21 of 1950 are to remain vested in the Secretary except to the extent inconsistent with sections 101(b) and 104(b) of Reorg. Plan No. 7 of 1961. See section 202 of Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

In the fourth undesignated paragraph, "Secretary of Commerce" and "Secretary" were substituted for "Commission" (meaning the United States Maritime Commission) on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 204 of which transferred to the Secretary of Commerce such Commission's functions not transferred to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in sections 891v, 1195 of this Appendix.

§ 867. Investigation of port, terminal, and warehouse facilities

It shall be the duty of the Secretary of Transportation, in cooperation with the Secretary of the Army, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which he has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves, piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports: *Provided*, That if after such investigation the Secretary of Transportation shall be of the opinion that rates, charges, rules, or regulations of common carriers by rail subject to the jurisdiction of the Interstate Commerce Commission are detrimental to the declared object of this section, or that new rates, charges, rules, or regulations, new or additional port terminal facilities, or affirmative action on the part of such common carriers by rail is necessary to promote the objects of this section, the Secretary of Transportation may submit his findings to the Interstate Commerce Commission for such action as such commission may consider proper under existing law.

(June 5, 1920, ch. 250, § 8, 41 Stat. 992; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(40), 95 Stat. 156.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in three places, "his" for "its", and "he" for "it". For prior transfers of functions, see Transfer of Functions note below.

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

Transfer of Functions

"Maritime Commission" and "Commission" (meaning United States Maritime Commission) were substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 868. Vessels sold under deferred payment plan; insurance

If the terms and conditions of any sale of a vessel made under the provisions of this Act include deferred payments of the purchase price, the Secretary of Transportation shall require, as part of such terms and conditions, that the purchaser of the vessel shall keep the same insured (a) against loss or damage by fire, and against marine risks and disasters, and war and other risks if the Secretary of Transportation so specifies, with such insurance companies, associations or underwriters, and under such forms of policies, and to such an amount, as the Secretary of Transportation may prescribe or approve; and (b) by protection and indemnity insurance with such insurance companies, associations, or underwriters and under such forms of policies, and to such an amount as the Secretary of Transportation may prescribe or approve. The insurance required to be carried under this section shall be made payable to the Secretary of Transportation and/or to the parties as interest may appear. The Secretary of Transportation is authorized to enter into any agreement that he deems wise in respect to the payment and/or the guarantee of premiums of insurance.

(June 5, 1920, ch. 250, § 9, 41 Stat. 992; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(41), 95 Stat. 156.)

References in Text

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in six places and "he" for "it". For prior transfers of functions, see Transfer of Functions note below.

Transfer of Functions

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1153 of this Appendix.

§ 869. Creation of fund for insurance of interests of United States

The Secretary of Transportation may create out of insurance premiums, and revenue from operations and sales, and maintain and administer separate insurance funds which he may use to insure in whole or in part against all hazards commonly covered by insurance policies in such cases, any legal or equitable interest of the United States (1) in any vessel constructed or in process of construction; and (2) in any plants or property in the possession or under the authority of the Secretary of Transportation. The United States shall be held to have such an interest in any vessel toward the construction, reconditioning, remodeling, improving, or equipping of which a loan has been made under the authority of this Act, in any vessel upon which he holds a mortgage or lien of any character, or in any vessel which is obligated by contract with the owner to perform any service in behalf of the United States, to the extent of the Government's interest therein.

(June 5, 1920, ch. 250, § 10, 41 Stat. 992; May 22, 1928, ch. 675, § 501, 45 Stat. 697; Ex. Ord. No 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug 6, 1981, Pub. L. 97-31, § 12(42), Aug. 6, 1981, 95 Stat. 156.)

References in Text

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "he" for "it" in two places. For prior transfers of functions, see Transfer of Functions note below.

1928—Act May 22, 1928, added sentence relating to extent of interest of United States, among other changes.

Transfer of Functions

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Cross References

War risk insurance, see section 1281 et seq. of this Appendix.

§§ 870a to 870d. Omitted

Codification

Section 870a, act Mar. 4, 1927, ch. 512, § 2, 44 Stat. 1451, related to disposition of funds received in repayment of loans, under section 870 of former Title 46, Shipping, as interest on said loans and from sales of vessels and was omitted in view of the repeal of section 870 of former Title 46, by act June 29, 1936, ch. 858, § 903(b), (c), 49 Stat. 2016. See section 1116 of this Appendix.

Section 870b, act Apr. 16, 1934, ch. 148, § 1, 48 Stat. 596, related to extension of construction loan fund to whaling and/or fishing vessels, and was impliedly repealed by act June 29, 1936, ch. 858, § 903(b), 49 Stat. 2016, according to a letter dated Feb. 26, 1941, from the chairman of the United States Maritime Commission.

Section 870c, act Apr. 16, 1934, ch. 148, § 2, 48 Stat. 596, related to vessels suitable as naval auxiliaries, and was impliedly repealed by act June 29, 1936, ch. 858, § 903(b), 49 Stat. 2016. See note for section 870b of this Appendix.

Section 870d, act Apr. 16, 1934, ch. 148, § 3, 48 Stat. 596, related to the definition of the term "citizens of the United States" as used in section 870b of this Appendix. See note for section 870b of this Appendix.

§ 871. Repair and operation of vessels until sale

All vessels may be reconditioned and kept in suitable repair and until sold shall be managed and operated by the Secretary of Transportation or chartered or leased by him on such terms and conditions as the Secretary of Transportation shall deem wise for the promotion and maintenance of an efficient merchant marine, pursuant to the policy and purposes declared in sections 861 and 864 of this Appendix.

The term "reconditioned" as used in this section includes the substitution of the most modern, most efficient, and most economical types of internal-combustion engines as the main propulsive power of vessels. Should the Secretary of Transportation have any such engines built in the United States and installed, in private shipyards or navy yards of the United States, in one or more merchant vessels owned by the United States, and the cost to the Secretary of Transportation of such installation exceeds the amount of funds otherwise available to him for that use, the Secretary of Transportation may transfer to his funds from which expenditures under this section may be paid, from his construction fund authorized by section 11 of the Merchant Marine Act, 1920, so much as in his judgment may be necessary to meet obligations under contracts for such installation; and the Treasurer of the United States shall, at the request of the Secretary of Transportation, make the transfer accordingly: *Provided*, That the total amount expended by the Secretary of Transportation for this purpose shall not in the aggregate exceed $25,000,000. Any such vessel after June 5, 1920, so equipped by the Secretary of Transportation under the provisions of this section shall not be sold for a period of five years from the date the installation thereof is completed, unless it is sold for a price not less than the cost of the installation thereof and of any other work of reconditioning done at the same time plus an amount not less than $10 for each dead-weight ton of the vessel as computed before such reconditioning thereof is commenced. The date of the completion of such installation and the amount of the dead-weight tonnage of the vessel shall be fixed by the Secretary of Transportation: *Provided further*, That in fixing the minimum price at which the vessel may thus be sold the Secretary of Transportation may deduct from the aggregate amount above prescribed 5 per centum thereof per annum from the date of the installation to the date of sale as depreciation: *And provided further*, That no part of such fund shall be expended upon the reconditioning of any vessel unless the Secretary of Transportation shall have first made a binding contract for a satisfactory sale of such vessel in accordance with the provisions of this Act, or for the charter or lease of such vessels for a period of not less than five years by a capable, solvent operator; or unless the Secretary of Transportation is prepared and intends to directly put such vessel in operation immediately upon completion. Such vessel, in any of the enumerated instances, shall be documented under the laws of the United States and shall remain documented under such laws for a period of not less than five years from the date of the completion of the installation, and during such period it shall be operated only on voyages which are not exclusively coastwise.

(June 5, 1920, ch. 250, § 12, 41 Stat. 993; June 6, 1924, ch. 273, § 2, 43 Stat. 468; Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1083; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(43), 95 Stat. 157.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

Section 11 of the Merchant Marine Act, 1920, referred to in text, was classified to section 870 of former Title 46, Shipping, and was repealed by act June 29, 1936, ch. 858, § 903(b), (c), 49 Stat. 2016. See section 1116 of this Appendix.

CODIFICATION

The first paragraph of this section originally contained a further provision continuing the United States Shipping Board Merchant Fleet Corporation in existence with authority to operate vessels. The corporation was subsequently dissolved by section 203 of act June 29, 1936.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in twelve places, "him" for "it" in two places, and "his" for "its" in three places. For prior transfers of functions, see Transfer of Functions note below.

1927—Act Feb. 11, 1927, substituted "U.S. Shipping Board Merchant Fleet Corporation" for "U.S. Shipping Board Emergency Fleet Corporation" in first par.

1924—Act June 6, 1924, added second par.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 891b of this Appendix.

§ 872. Sale of property other than vessels

The Secretary of Transportation is further authorized to sell all property other than vessels transferred to him under section 863 of this Appendix upon such terms and conditions as the Secretary of Transportation may determine and prescribe.

(June 5, 1920, ch. 250, § 13, 41 Stat. 993; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(44), 95 Stat. 157.)

REFERENCES IN TEXT

Section 863 of this Appendix, referred to in text, has been omitted from the Code.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "him" for "it". For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 874. Omitted

CODIFICATION

Section, act June 5, 1920, ch. 250, § 16, 41 Stat. 994, terminated all authority granted the United States Emergency Fleet Corporation to acquire houses, buildings, or lands under certain acts.

§ 875. Possession and control of terminal equipment and facilities

The President may at any time he deems it necessary, by order setting out the need therefor and fixing the period of such need, permit or transfer the possession and control of any part of the property taken over by or transferred to the Secretary of Transportation under this section to the Department of the Army or the Navy Department for their needs, and when in the opinion of the President such need therefor ceases the possession and control of such property shall revert to the Secretary of Transportation. None of such property shall be sold except as may be provided by law.

(June 5, 1920, ch. 250, § 17, 41 Stat. 994; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug 6, 1981, Pub. L. 97-31, § 12(45), 95 Stat. 157.)

CODIFICATION

As originally enacted, this section contained an additional paragraph directing the Commission to take over, on Jan. 1, 1921, certain terminal facilities acquired by the President under act Mar. 28, 1918, ch. 28, 40 Stat. 459.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and struck out opening paragraph relating to transfer of possession and control of docks, etc., acquired by the War Department or the Navy Department during the war emergency to the Commission. For prior transfers of functions, see Transfer of Functions note below.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army. Such change of name was not executed in the first paragraph since the paragraph related to acquisitions by the former War Department during the World War I emergency.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 876. Power of Secretary and Commission to make rules and regulations

(1) The Secretary of Transportation is authorized and directed in aid of the accomplishment of the purposes of this Act—

(a) To make all necessary rules and regulations to carry out the provisions of this Act;

And the Federal Maritime Commission is authorized and directed in aid of the accomplishment of the purposes of this Act:

(b) To make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally, and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country; and

(c) To request the head of any department, board, bureau, or agency of the Government to suspend, modify, or annul rules or regulations which have been established by such department, board, bureau, or agency, or to make new rules or regulations affecting shipping in the foreign trade other than such rules or regulations relating to the Public Health Service, the Consular Service, and the steamboat inspection service.

(2) No rule or regulation shall be established by any department, board, bureau, or agency of the Government which affects shipping in the foreign trade, except rules or regulations affecting the Public Health Service, the Consular Service, and the steamboat inspection service, until such rule or regulation has been submitted to the Federal Maritime Commission for its approval and final action has been taken thereon by the Commission or the President.

(3) Whenever the head of any department, board, bureau, or agency of the Government refuses to suspend, modify, or annul any rule or regulation, or make a new rule or regulation upon request of the Federal Maritime Commission, as provided in subdivision (c) of paragraph (1) of this section, or objects to the decision of the Commission in respect to the approval of any rule or regulation, as provided in paragraph (2) of this section, either the Commission or the head of the department, board, bureau, or agency which has established or is attempting to establish the rule or regulation in question may submit the facts to the President, who is authorized to establish or suspend, modify, or annul such rule or regulation.

(4) No rule or regulation shall be established which in any manner gives vessels owned by the United States any preference or favor over those vessels documented under the laws of the United States and owned by persons who are citizens of the United States.

(June 5, 1920, ch. 250, § 19, 41 Stat. 995; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(46), 95 Stat. 157.)

REFERENCES IN TEXT

This Act, referred to in par. (1), means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

AMENDMENTS

1981—Par. (1). Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission", and added after subsec. (a) an undesignated paragraph respecting authority of Federal Maritime Commission. For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

All functions of the Public Health Service and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service were transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5. The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

The Steamboat Inspection Service was consolidated in the Bureau of Marine Inspection and Navigation which was later abolished. Functions relating to the inspection of vessels are now vested in the Commandant of the Coast Guard. See note preceding section 3 of this Appendix.

§ 877. Coastwise laws extended to island Territories and possessions

From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not covered thereby on June 5, 1920, and the Secretary of Transportation is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor: *And provided further*, That the coastwise laws of the United States shall not extend to the Virgin Islands of the United States until the President of the United States shall, by proclamation, declare that such coastwise laws shall extend to the Virgin Islands and fix a date for the going into effect of same.

(June 5, 1920, ch. 250, § 21, 41 Stat. 997; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; Apr. 16, 1936, ch. 228, 49 Stat. 1207; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Aug. 6, 1981, Pub. L. 97-31, § 12(47), 95 Stat. 157.)

CODIFICATION

Provisos of this section authorizing the government of the Philippine Islands to regulate transportation between ports or places in the Philippine Archipelago until Congress authorized the registry of vessels owned in those islands, and providing that this section should not go into effect in the Philippine Islands until after investigation and proclamation by the President, were omitted on authority of Proc. No. 2695 of 1946, set out under section 1394 of Title 22, Foreign Relations and Intercourse, which proclaimed the independence of the Philippines.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions, see Transfer of Functions note below.

1936—Act Apr. 16, 1936, added last proviso at end of section.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§§ 878, 879. Omitted

CODIFICATION

Section 878, act June 5, 1920, ch. 250, § 23, 41 Stat. 997, provided for allowance of deduction in determining net income for the ten taxable years beginning with taxable year ending after June 5, 1920, of amount equivalent to net earnings of vessels operated in foreign trade provided owner has set aside funds for construction of new vessels of type approved by United States.

Section 879, acts June 5, 1920, ch. 250, § 23, 41 Stat. 998; May 29, 1928, ch. 852, § 707, 45 Stat. 881, exempted proceeds of sales of vessels from income taxes when invested in building of new ships, for period of 10 years from June 5, 1920.

§ 883. Transportation of merchandise between points in United States in other than domestic built or rebuilt and documented vessels; incineration of hazardous waste at sea

No merchandise shall be transported by water, or by land and water, on penalty of forfeiture of the merchandise (or a monetary amount up to the value thereof as determined by the Secretary of the Treasury to be recovered from any consignor, seller, owner, importer, consignee, agent, or other person or persons so transporting or causing said merchandise to be transported), between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 13 or 808 of this Appendix: *Provided*, That no vessel having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States, and later sold foreign in whole or in part, or placed under foreign registry, shall hereafter acquire the right to engage in the coastwise trade: *Provided further*, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its territories (not including trust territories), or its possessions: *Provided further*, That this section shall not apply to merchandise transported between points within the continental United States, including Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: *Provided further*, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Secretary of Transportation shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic: *Provided further*, That this section shall not apply to the transportation of merchandise loaded on railroad cars or to motor vehicles with or without trailers, and with their passengers or contents when accompanied by the operator thereof, when such railroad cars or motor vehicles are transported in any railroad car ferry operated between fixed termini on the Great Lakes as a part of a rail route, if such car ferry is owned by a common carrier by water and operated as part of a rail route with the approval of the Interstate Commerce Commission, and if the stock of such common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920, and if the stock of the common carrier owning such car ferry is, with the approval of the Interstate Commerce Commission, now owned or controlled by any common carrier by rail and if such car ferry is built in and documented under the laws of the United States: *Provided further*, That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry, of (a) empty cargo vans, empty lift vans, and empty shipping tanks, (b) equipment for use with cargo vans, lift vans, or shipping tanks, (c) empty barges specifically designed for carriage aboard a vessel and equipment, excluding propulsion equipment, for use with such barges, and (d) any empty instrument for international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 1322(a) of title 19, if the articles described in clauses (a) through (d) are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; and (e) stevedoring equipment and material, if such equipment and material is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade: *Provided further*, That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon his finding, pursuant to information furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, the Secretary of the Treasury may suspend the application of this section to the transportation of merchandise between points in the United States (excluding transportation between the continental United States and noncontiguous states, districts, territories, and possessions embraced within the coastwise laws) which, while moving in the foreign trade of the United States, is transferred from a non-self-propelled barge certified by the owner or operator to be specifically designed for carriage aboard a vessel and regularly carried aboard a vessel in foreign trade to another such barge owned or leased by the same owner or operator, without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade: *Provided further,* That until April 1, 1984, and notwithstanding any other provisions of this section, any vessel documented under the laws of the United States and owned by persons who are citizens of the United States may, when operated upon a voyage in foreign trade, transport merchandise in cargo vans, lift vans, and shipping-tanks between points embraced within the coastwise laws for transfer to or when transferred from another vessel or vessels, so documented and owned, of the same operator when the merchandise movement has either a foreign origin or a foreign destination; but this proviso (1) shall apply only to vessels which that same operator owned, chartered or contracted for the construction of prior to November 16, 1979, and (2) shall not apply to movements between points in the contiguous United States and points in Hawaii, Alaska, the Commonwealth of Puerto Rico and United States territories and possessions. For the purposes of this section, after December 31, 1983, or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States, the transportation of hazardous waste, as defined in section 6903(5) of title 42, from a point in the United States for the purpose of the incineration at sea of that waste shall be deemed to be transportation by water of merchandise between points in the United States: *Provided, however,* That the provisions of this sentence shall not apply to this transportation when performed by a foreign-flag ocean incineration vessel, owned by or under construction on May 1, 1982, for a corporation wholly owned by a citizen of the United States; the term "citizen of the United States", as used in this proviso, means a corporation as defined in section 802(a) and (b) of this Appendix. The incineration equipment on these vessels shall meet all current United States Coast Guard and Environmental Protection Agency standards. These vessels shall, in addition to any other inspections by the flag state, be inspected by the United States Coast Guard, including drydock inspections and internal examinations of tanks and void spaces, as would be required of a vessel of the United States. Satisfactory inspection shall be certified in writing by the Secretary of Transportation. Such inspections may occur concurrently with any inspections required by the flag state or subsequent to but no more than one year after the initial issuance or the next scheduled issuance of the Safety of Life at Sea Safety Construction Certificate. In making such inspections, the Coast Guard shall refer to the conditions established by the initial flag state certification as the basis for evaluating the current condition of the hull and superstructure. The Coast Guard shall allow the substitution of an equivalent fitting, material, appliance, apparatus, or equipment other than that required for vessels of the United States if the Coast Guard has been satisfied that fitting, material, appliance, apparatus, or equipment is at least as effective as that required for vessels of the United States [1] *Provided further,* That for the purposes of this section, supplies aboard United States documented fish processing vessels, which are necessary and used for the processing or assembling of fishery products aboard such vessels, shall be considered ship's equipment and not merchandise.

(June 5, 1920, ch. 250, § 27, 41 Stat. 999; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; Apr. 11, 1935, ch. 58, 49 Stat. 154; July 2, 1935, ch. 355, § 1, 49 Stat. 442; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; 1950 Reorg. Plan No. 21, § 204, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276; July 14, 1956, ch. 600, § 1, 70 Stat. 544; July 7, 1958, Pub. L. 85-508, § 27(a), 72 Stat. 351; July 5, 1960, Pub. L. 86-583, § 1, 74 Stat. 321; Sept. 21, 1965, Pub. L. 89-194, 79 Stat. 823; Aug. 11, 1968, Pub. L. 90-474, 82 Stat. 700; Nov. 23, 1971, Pub. L. 92-163, § 1, 85 Stat. 486; Oct. 3, 1978, Pub. L. 95-410, title II, § 213, 92 Stat. 904; Nov. 16, 1979, Pub. L. 96-112, § 4, 93 Stat. 848; Aug. 6, 1981, Pub. L. 97-31, § 12(49), 95 Stat. 157; Dec. 29, 1982, Pub. L. 97-389, title V, §§ 502, 504, 96 Stat. 1954, 1956.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in act Feb. 17, 1898, ch. 26, § 1, 30 Stat. 248, which was classified to section 290 of this Appendix.

AMENDMENTS

1982—Pub. L. 97-389, § 502, added provision relating to the transportation of hazardous waste, the proviso thereto for foreign-flag transport, and further provisions relating to standards for and the inspection of vessels engaged in such transport.

Pub. L. 97-389, § 504, added proviso defining supplies aboard United States fish processing vessels used for fishery products manufacture as ship's equipment.

1981—Pub. L. 97-31 in fourth proviso substituted "Secretary of Transportation" for "Secretary of Commerce". For prior transfers of functions, see Transfer of Functions note below.

1979—Pub. L. 96-112 added proviso that, until April 1, 1984, and notwithstanding any other provisions of this section, any vessel documented under the laws of the United States and owned by citizens of the United States could, when operated upon a voyage in foreign trade, transport merchandise in cargo vans, lift vans, and shipping-tanks between points embraced within the coastwise laws for transfer to or when transferred from another vessel or vessels, so documented and owned, of the same operator when the merchandise movement had either a foreign origin or a foreign destination, but that the proviso would apply only to vessels which that same operator owned, chartered or contracted for the construction of prior to Nov. 16, 1979, and would not apply to movements between points in the contiguous United States and points in Hawaii, Alaska, the Commonwealth of Puerto Rico and United States territories and possessions.

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[1] So in original. Probably should be followed by a colon.

1978—Pub. L. 95-410, in first sentence, substituted "forfeiture of merchandise" for "forfeiture thereof" and inserted parenthetical text for forfeiture of a monetary amount up to the value of the merchandise as determined by the Secretary of the Treasury to be recovered from any consignor, seller, owner, importer, consignee, agent, or other person or persons transporting or causing the merchandise to be transported.

1971—Pub. L. 92-163 added "and equipment, excluding propulsion equipment, for use with such barges" after "(c) empty barges specifically designed for carriage aboard a vessel" and added reciprocity proviso reciprocally permitting foreign-flag specialty barges, specifically designed and regularly carried aboard a barge carrying ship in foreign trade to carry export or import cargo between United States points which has been transferred from one such barge to another.

1968—Pub. L. 90-474 in final proviso designated existing provisions relating to empty cargo vans, empty lift vans, and empty shipping tanks as cl. (a), added cls. (b) to (d), saved modifying provisions relating to empty cargo vans, empty lift vans, and empty shipping tanks so as to render them applicable to cls. (a) to (d), and added cl. (e).

1965—Pub. L. 89-194 added proviso that section should not apply to the transportation of empty cargo vans, lift vans, and shipping tanks by vessels of the United States not qualified to engage in the coastwise trade of by vessels of foreign registry so long as such vans or tanks are owned or leased by the owner or operator of the transporting vessels and are being transported for use in the carriage of goods in foreign trade.

1960—Pub. L. 86-583 prohibits the operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding, including the construction of any major components of the hull and superstructure of the vessel, is accomplished in the United States.

1958—Pub. L. 85-508 substituted "including Alaska" for "excluding Alaska".

1956—Act July 14, 1956, added proviso to prohibit the operation in coastwise trade of vessels of more than 500 gross tons which have been rebuilt outside the United States.

1935—Act July 2, 1935, amended section generally. Act Apr. 11, 1935, added fifth proviso.

Effective Date of 1960 Amendment

Section 4 of Pub. L. 86-583 provided that: "This Act [amending sections 883 and 883a of this Appendix] shall be effective from the time of enactment [July 5, 1960] hereof: *Provided, however,* That no vessel shall be deemed to have lost its coastwise privileges as a result of the amendments made by this Act if it is rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before such date of enactment and if the work of rebuilding is commenced not later than twenty-four months after such date of enactment."

Effective Date of 1956 Amendment

Section 4 of act July 14, 1956, provided that: "This Act [amending this section and enacting sections 883a and 883b of this Appendix] shall be effective from the date of enactment [July 14, 1956] hereof: *Provided, however,* That no vessel shall be deemed to have lost its coastwise privileges hereunder if it is rebuilt under a contract entered into before such date of enactment and if the work of rebuilding is commenced not later than six months after such date of enactment."

Repeals

For effect of subtitle IV (§ 10101 et seq.) of Title 49, Transportation, see note set out preceding section 801 of this Appendix.

Transfer of Functions

All the functions conferred upon the Secretary of Commerce by the provisions of Reorg. Plan No. 21 of 1950 are to remain vested in the Secretary except to the extent inconsistent with sections 101(b) and 104(b) of Reorg. Plan No. 7 of 1961. See section 202 of Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

"Secretary of Commerce" was substituted for "United States Maritime Commission" on the authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix, section 306 of which abolished the United States Maritime Commission and section 204 of which transferred to the Secretary of Commerce such Commission's functions not transferred to the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069, set out under section 1111 of this Appendix.

"United States Maritime Commission" was substituted for "Shipping Board". For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

Transportation of Merchandise or Passengers Within Alaska by Foreign Built Hovercraft

Pub. L. 95-599, title I, § 146, Nov. 6, 1978, 92 Stat. 2714, provided that:

"(a) Effective during the five-year period beginning on the date of enactment of this Act [Nov. 6, 1978], nothing in section 27 of the Merchant Marine Act, 1920 [this section], or any other provision of law restricting the coastwise trade to vessels of the United States shall prohibit the transportation within the State of Alaska of merchandise or passengers by foreign built hovercraft.

"(b) For the purpose of this section the term 'hovercraft' means a vehicle which travels over land or water in a cushion of air generated by such vehicle."

Report to Congress Regarding Effect of Reciprocity Provisions

Section 2 of Pub. L. 92-163 authorized the Secretary of the Treasury, for a period of five years following Nov. 23, 1971, to make a report at the beginning of each regular session to the Congress regarding activities under Pub. L. 92-163, including but not limited to the extent to which foreign governments are extending reciprocal privileges to the vessels of the United States.

Regulations

Section 3 of Pub. L. 86-583 provided that: "The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this Act [amending sections 883 and 883a of this Appendix]."

Admission of Alaska as State

Effectiveness of amendment of this section by Pub. L. 85-508 was dependent upon the admission of Alaska into the Union under section 8(b) of Pub. L. 85-508. Admission was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508. See notes preceding section 21 of Title 48, Territories and Insular Possessions.

Jurisdiction Over Common Carriers Between Ports in Hawaii and Other Ports

Pub. L. 86-3, § 18(a), Mar. 18, 1959, 73 Stat. 12, as amended Pub. L. 86-624, § 46, July 12, 1960, 74 Stat.

423, provided that: "Nothing contained in this Act shall be construed as depriving the Federal Maritime Board [now Secretary of Transportation] of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports."

JURISDICTION OVER COMMON CARRIERS BETWEEN PORTS IN ALASKA AND OTHER PORTS

Section 27(b) of Pub. L. 85-508 provided that: "Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board [now Secretary of Transportation] of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports."

TRANSPORTATION OF LUMBER TO PUERTO RICO

Pub. L. 87-877, § 4, Oct. 24, 1962, 76 Stat. 1201, allowed for suspension of this section during a 1-year period beginning Oct. 24, 1962, with respect to transportation of lumber to Puerto Rico from ports or terminal areas in the United States if Secretary of Commerce determined that no domestic vessel was reasonably available.

TRANSPORTATION OF COAL BETWEEN POINTS IN UNITED STATES IN CANADIAN VESSELS

Act Aug. 7, 1956, ch. 1028, 70 Stat. 1090, permitted Canadian vessels to transport coal to Ogdensburg, N.Y., from other points in the United States, on the Great Lakes, or their connecting or tributary waters for a period ending June 30, 1957.

TRANSPORTATION OF IRON ORE IN VESSELS OF CANADIAN REGISTRY

Act June 24, 1952, ch. 458, 66 Stat. 156, provided for the transportation of iron ore and terminated on Dec. 31, 1952.

Similar provisions were contained in the following acts:

Mar. 29, 1951, ch. 25, 65 Stat. 28.
June 30, 1950, ch. 427, § 5, 64 Stat. 309.
Mar. 28, 1949, ch. 36, 63 Stat. 16.
Mar. 24, 1948, ch. 144, 62 Stat. 85.
Jan. 27, 1942, ch. 21, 56 Stat. 19, as amended Aug. 1, 1942, ch. 544, 56 Stat. 735, and repealed July 25, 1947, ch. 327, § 2b, 61 Stat. 451, eff. six months after July 25, 1947.
May 31, 1941, ch. 158, 55 Stat. 236.

TRANSPORTATION OF PASSENGERS AND MERCHANDISE ON CANADIAN VESSELS BETWEEN POINTS IN ALASKA AND UNITED STATES

Pub. L. 85-473, June 30, 1958, 72 Stat. 244, allowed passengers to be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska or the continental United States either directly or via a foreign port, or for any part of the transportation for a period ending June 30, 1959, unless the Secretary of Commerce determined that U.S. flag service was available to provide such transportation.

Similar provisions were contained in the following acts:

July 11, 1957, Pub. L. 85-103, 71 Stat. 294.
Apr. 18, 1956, ch. 207, 70 Stat. 114.
May 7, 1955, ch. 35, 60 Stat. 47.
June 29, 1954, ch. 413, 68 Stat. 321.
July 16, 1953, ch. 201, 67 Stat. 175.
June 11, 1952, ch. 391, 66 Stat. 133.
June 27, 1951, ch. 153, 65 Stat. 90.
June 29, 1950, ch. 409, 64 Stat. 301.
Aug. 22, 1949, ch. 493, 63 Stat. 622.

TRANSPORTATION OF GRAIN BETWEEN UNITED STATES PORTS ON GREAT LAKES BY VESSELS OF CANADIAN REGISTRY DURING 1951

Act Oct. 10, 1951, ch. 459, 65 Stat. 371, provided for the transportation of grain and terminated on Dec. 31, 1951.

TRANSPORTATION OF MERCHANDISE BETWEEN HYDER, ALASKA, AND UNITED STATES

Act July 30, 1947, ch. 387, 61 Stat. 632, as amended June 28, 1948, ch. 693, 62 Stat. 1067, provided for the transportation of merchandise between Hyder, Alaska, and United States and terminated on June 30, 1949.

CROSS REFERENCES

Corporation meeting certain conditions deemed citizen for purposes of this section, see section 883-1 of this Appendix.

Provisions restricting coastwise transportation to vessels of United States not applicable to American Samoa, see section 1664 of Title 48, Territories and Insular Possessions.

Transportation of passengers and merchandise in Canadian vessels between points in Alaska and United States, see section 289b of this Appendix.

Transportation of passengers in foreign vessels, see section 289 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 316, 446b, 883-1 of this Appendix; title 19 section 1554; title 46 section 3704; title 50 App. section 1745.

§ 883-1. Corporation as citizen; fisheries and transportation of merchandise or passengers between points in United States; parent and subsidiary corporations; domestic built vessels; certificate; surrender of documents on change in status

Notwithstanding any other provision of law, a corporation incorporated under the laws of the United States or any State, Territory, District, or possession thereof, shall be deemed to be a citizen of the United States for the purposes of and within the meaning of that term as used in sections 316, 808, 835, and 883 of this Appendix, and the laws relating to the documentation of vessels, if it is established by a certificate filed with the Secretary of the Treasury as hereinafter provided, that—

(a) a majority of the officers and directors of such corporation are citizens of the United States;

(b) not less than 90 per centum of the employees of such corportation are residents of the United States;

(c) such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof;

(d) the aggregate book value of the vessels owned by such corporation does not exceed 10 per centum of the aggregate book value of the assets of such corporation; and

(e) such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 per centum of the raw materials used or sold in its operations but no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except as a service for a parent or subsidiary corporation and except when such vessel is under demise or bareboat charter at prevailing rates for use otherwise than in the domestic noncontiguous trades from any such corporation to a common or contract carrier subject to subchapter III of chapter 105 of title 49, which otherwise qualifies as a citizen under section 802 of this Appendix, and which is not connected, directly or indirectly, by way of ownership or control with such corporation.

As used herein (1), the term "parent" means a corporation which controls, directly or indirectly, at least 50 per centum of the voting stock of such corporation, and (2), the term "subsidiary" means a corporation not less than 50 per centum of the voting stock of which is controlled, directly or indirectly, by such corporation or its parent, but no corporation shall be deemed to be a "parent" or "subsidiary" hereunder unless it is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, and there has been filed with the Secretary of the Treasury a certificate as hereinafter provided.

Vessels built in the United States and owned by a corporation meeting the conditions hereof which are non-self-propelled or which, if self-propelled, are of less than five hundred gross tons shall be entitled to documentation under the laws of the United States, and except as restricted by this section, shall be entitled to engage in the coastwise trade and, together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States.

A corporation seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States shall file with the Secretary of the Treasury of the United States a certificate under oath, in such form and at such times as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such corporation complies with the conditions of this section above set forth. A "parent" or "subsidiary" of such corporation shall likewise file with the Secretary of the Treasury a certificate under oath, in such form and at such time as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such "parent" or "subsidiary" complies with the conditions of this section above set forth, before such corporation may transport any merchandise or passengers for such parent or subsidiary. If any material matter of fact alleged in any such certificate which, within the knowledge of the party so swearing is not true, there shall be a forfeiture of the vessel (or the value thereof) documented or operated hereunder in respect to which the oath shall have been made. If any vessel shall transport merchandise for hire in violation of this section, such merchandise shall be forfeited to the United States. If any vessel shall transport passengers for hire in violation of this section, such vessel shall be subject to a penalty of $200 for each passenger so transported. Any penalty or forfeiture incurred under this section may be remitted or mitigated by the Secretary of the Treasury under the provisions of section 2107(b) of title 46.

Any corporation which has filed a certificate with the Secretary of the Treasury as provided for herein shall cease to be qualified under this section if there is any change in its status whereby it no longer meets the conditions above set forth, and any documents theretofore issued to it, pursuant to the provisions of this section, shall be forthwith surrendered by it to the Secretary of the Treasury.

(June 5, 1920, ch. 250, § 27A, as added Sept. 2, 1958, Pub. L. 85-902, 72 Stat. 1736.)

CODIFICATION

In the first par., "subchapter III of chapter 105 of title 49" was substituted for "part III of the Interstate Commerce Act [49 U.S.C. 901 et seq.]" on authority of Pub. L. 95-473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV of Title 49, Transportation.

In the fourth par., "section 2107(b) of title 46" was substituted for "section 7 of title 46, United States Code" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 1522.

§ 883a. Reports required of United States vessels rebuilt abroad; penalty for failure to report; mitigation of penalty

If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt, and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury, upon the first arrival of the vessel thereafter at a port within the customs territory of the United States, if rebuilt outside the United States, its Territories (not including trust territories), or its possessions, or, in any other case, upon completion of the rebuilding, in accordance with such regulations as the Secretary may prescribe. If the required report is not made, the vessel, together with its tackle, apparel, equipment, and furniture, shall be forfeited, and the master and owner shall each be liable to a penalty of $200. Any penalty or forfeiture incurred under this Act may be remitted or mitigated by the Secretary under the provisions of section 2107(b) of title 46.

(July 14, 1956, ch. 600, § 2, 70 Stat. 544; July 5, 1960, Pub. L. 86-583, § 2, 74 Stat. 321.)

References in Text

This Act, referred to in text, means act July 14, 1956, ch. 600, 70 Stat. 544, as amended, which enacted sections 883a, and 883b of this Appendix, amended section 883 of this Appendix, and enacted provisions set out as a note under section 883 of this Appendix. For complete classification of this Act to the Code, see Tables.

Codification

"Section 2107(b) of title 46" was substituted in text for "section 5294 of the Revised Statutes of the United States, as amended (U.S.C., title 46, sec. 7)" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

This section was enacted as part of act July 14, 1956, and not as part of act June 5, 1920, ch. 250, 41 Stat. 988, known as the Merchant Marine Act, 1920, which comprises this chapter.

Amendments

1960—Pub. L. 86-583 provided for a report of the rebuilding of any part of the vessel, including the construction of major components of the hull and superstructure of the vessel, and for a report upon completion of the rebuilding in certain cases.

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-583 effective July 5, 1960, and effect on rebuilding contracts executed before such date, see section 4 of Pub. L. 86-583, set out as a note under section 883 of this Appendix.

Effective Date

Section effective July 14, 1956, see section 4 of act July 14, 1956, set out as an Effective Date of 1956 Amendment note under section 883 of this Appendix.

Regulations

Secretary of Treasury to prescribe regulations to carry out the purposes of this section, see section 3 of Pub. L. 86-583, set out as a note under section 883 of this Appendix.

§ 883b. Regulations

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

(July 14, 1956, ch. 600, § 3, 70 Stat. 544.)

References in Text

This Act, referred to in text, means act July 14, 1956, ch. 600, 70 Stat. 544, as amended, which enacted sections 883a, and 883b of this Appendix, amended section 883 of this Appendix, and enacted provisions set out as a note under section 883 of this Appendix. For complete classification of this Act to the Code, see Tables.

Codification

This section was enacted as part of act July 14, 1956, and not as part of act June 5, 1920, ch. 250, 41 Stat. 988, known as the Merchant Marine Act, 1920, which comprises this chapter.

Effective Date

Section effective July 14, 1956, see section 4 of act July 14, 1956, set out as an Effective Date of 1956 Amendment note under section 883 of this Appendix.

§ 884. Charges for transportation subject to Interstate Commerce provisions

No common carrier shall charge, collect, or receive for transportation subject to subtitle IV of title 49 of persons or property, under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the persons or property affected thereby is to be transported to, or has been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected, or received by it for the transportation of persons, or of a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States. Whenever the Secretary of Transportation is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented he shall certify this fact to the Interstate Commerce Commission, and the Interstate Commerce Commission may, by order, suspend the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from, or to be transported to such ports, for such length of time and under such terms and conditions as he may prescribe in such order, or in any order supplemental thereto. Such suspension of operation of the provisions of this section may be terminated by order of the Interstate Commerce Commission whenever the Secretary of Transportation is of the opinion that adequate shipping facilities by such vessels to such ports are afforded and shall so certify to the Interstate Commerce Commission.

(June 5, 1920, ch. 250, § 28, 41 Stat. 999; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(50), 95 Stat. 157.)

Codification

"Subtitle IV of title 49" was substituted in text for "the Interstate Commerce Act [49 U.S.C. 1 et seq.]" on authority of Pub. L. 95-473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV of Title 49, Transportation.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "he" for "it". For prior transfers of functions, see Transfer of Functions note below.

Repeals

For effect of subtitle IV (§ 10101 et seq.) of Title 49, Transportation, see note set out preceding section 801 of this Appendix.

TRANSFER OF FUNCTIONS

"Maritime Commission" (meaning the United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 885. Association of marine insurance companies; application of antitrust laws

(a) Whenever used in this section—

(1) The term "association" means any association, exchange, pool, combination, or other arrangement for concerted action; and

(2) The term "marine insurance companies" means any persons, companies, or associations, authorized to write marine insurance or reinsurance under the laws of the United States or of a State, Territory, District, or possession thereof.

(b) Nothing contained in the "antitrust laws" as designated in section 12 of title 15, shall be construed as declaring illegal an association entered into by marine insurance companies for the following purposes: To transact a marine insurance and reinsurance business in the United States and in foreign countries and to reinsure or otherwise apportion among its membership the risks undertaken by such association or any of the component members.

(June 5, 1920, ch. 250, § 29, 41 Stat. 1000.)

§ 887. Partial invalidity

If any provision of this Act is declared unconstitutional or the application of any provision to certain circumstances be held invalid, the remainder of such Act and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby.

(June 5, 1920, ch. 250, § 36, 41 Stat. 1007.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

§ 888. Definitions

When used in this Act, unless the context otherwise requires, the terms "person", "vessel", "documented under the laws of the United States", and "citizen of the United States" shall have the meaning assigned to them by sections 801, 802, and 803 of this Appendix; and the term "alien" means any person not a citizen of the United States.

(June 5, 1920, ch. 250, § 37, 41 Stat. 1008; Sept. 21, 1959, Pub. L. 86-327, § 2, 73 Stat. 597.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which is classified generally to this chapter and chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

CODIFICATION

The words "the term 'commission' means the United States Maritime Commission;" were omitted preceding the definition of "alien" in view of Reorg. Plan No. 21 of 1950, §§ 204, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276, 1277, set out under section 1111 of this Appendix, which abolished the United States Maritime Commission and transferred its functions to the Federal Maritime Board and to the Secretary of Commerce.

AMENDMENTS

1959—Pub. L. 86-327 substituted "sections 1 and 2 of the 'Shipping Act, 1916,' as amended" for "sections 1 and 2 of the 'Shipping Act, 1916,' as amended by this Act", which sections are referred to in the text as "sections 801, 802, and 803 of this Appendix" for purposes of codification.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069 set out under section 1111 of this Appendix.

"Commission" (meaning United States Maritime Commission) and "United States Maritime Commission" were substituted for "board" and "Shipping Board" (meaning United States Shipping Board), respectively. For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 922 of this Appendix.

§ 889. Short title

The Act of June 5, 1920, chapter 250, may be cited as the "Merchant Marine Act, 1920."

(June 5, 1920, ch. 250, § 39, 41 Stat. 1008.)

REFERENCES IN TEXT

The Act of June 5, 1920, chapter 250, referred to in text, means act June 5, 1920, ch. 250, 41 Stat. 988, as amended, known as the Merchant Marine Act, 1920, which enacted sections 13, 861 to 864, 865, 866 to 869, 871, 872, 874 to 879, 883, 883-1, 884, 885, 887 to 889, 911, 921 to 927, 941, 951 to 954, 961, 971 to 975, and 981 to 984 of this Appendix and sections 870, 873, 880 to 882, and 886 of former Title 46, Shipping, and amended sections 688, 802 to 804, 805, 808, 812, and 813 of this Appendix and sections 597 and 599 of former Title 46. For complete classification of this Act to the Code, see Tables.

CHAPTER 24A—MERCHANT MARINE ACT, 1928

Sec.
891. Declaration of policy.
891b. Vessels of Secretary; remodeling and improving.
891c. Replacement vessels.
891s. Authorization of appropriations.
891u. Definitions.
891v. Reaffirmation of steamship line policy.
891w. Ship operations; allocations.
891x. Short title.
891y. Omitted.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1114, 1225 of this Appendix.

§ 891. Declaration of policy

The policy and the primary purpose declared in section 861 of this Appendix are confirmed.

(May 22, 1928, ch. 675, § 1, 45 Stat. 689.)

§ 891b. Vessels of Secretary; remodeling and improving

In addition to his power to recondition and repair vessels under section 871 of this Appendix, the Secretary of Transportation may remodel and improve vessels owned by the United States and in his possession or under his control, so as to equip them adequately for competition in the foreign trade of the United States. Any vessel so remodeled or improved shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date of the completion of the remodeling or improving and so long as there remains due the United States any money or interest on account of such vessel, and during such period it shall be operated only on voyages which are not exclusively coastwise.

(May 22, 1928, ch. 675, § 202, 45 Stat. 690; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(51), 95 Stat. 157.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" and "his" for "its" in three places. For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"United States Maritime Commission" was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 891c. Replacement vessels

The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the Secretary of Transportation and the construction for the Secretary of Transportation of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is recognized, and the Secretary of Transportation is authorized and directed to present to Congress from time to time, recommendations setting forth what new vessels are required for permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built for the Secretary of Transportation shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

(May 22, 1928, ch. 675, § 203, 45 Stat. 690; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(52), 95 Stat. 157.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in four places. For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 891s. Authorization of appropriations

The appropriations necessary to carry out the provisions and accomplish the purposes of this Act are authorized.

(May 22, 1928, ch. 675, § 701, 45 Stat. 697.)

REFERENCES IN TEXT

This Act, referred to in text, means act May 22, 1928, ch. 675, 45 Stat. 689, as amended, known as the Merchant Marine Act, 1928, which is classified generally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 891x of this Appendix and Tables.

§ 891u. Definitions

(a) When used in this Act, and for the purposes of this Act only, the words "foreign trade" mean trade between the United States, its Territories or possessions, or the District of Columbia and a foreign country: *Provided, however,* That the loading or the unloading of cargo, mail, or passengers at any port in any Territory or possession of the United States shall be construed to be foreign trade if the stop at such Territory or possession is an intermediate stop on what would otherwise be a voyage in foreign trade.

(b) When used in this Act the term "citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 802 of this Appendix.

(May 22, 1928, ch. 675, § 703, 45 Stat. 698.)

REFERENCES IN TEXT

This Act, referred to in text, means act May 22, 1928, ch. 675, 45 Stat. 689, as amended, known as the Merchant Marine Act, 1928, which is classified generally to this chapter. For complete classification of this

Act to the Code, see References in Text note set out under section 891x of this Appendix and Tables.

§ 891v. Reaffirmation of steamship line policy

The policy and the primary purpose declared in section 866 of this Appendix are reaffirmed.

(May 22, 1928, ch. 675, § 704, 45 Stat. 698.)

§ 891w. Ship operations; allocations

In the allocations of the operations of the ships, the Secretary of Transportation shall distribute them as far as possible and without detriment to the service among the various ports of the country.

(May 22, 1928, ch. 675, § 705, 45 Stat. 698; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(53), 95 Stat. 157.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Maritime Commission". For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Maritime Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 891x. Short title

Act May 22, 1928, ch. 675, may be cited as the "Merchant Marine Act, 1928."

(May 22, 1928, ch. 675, § 706, 45 Stat. 698.)

REFERENCES IN TEXT

Act May 22, 1928, ch. 675, referred to in text, is act May 22, 1928, ch. 675, 45 Stat. 689, as amended, which enacted this chapter, and amended sections 866 and 869 of this Appendix, section 654 of former Title 39, The Postal Service, and sections 870 and 880 of former Title 46, Shipping. For complete classification of this Act to the Code, see Tables.

§ 891y. Omitted

CODIFICATION

Section was from act June 16, 1933, ch. 101, § 6, 48 Stat. 305. Insofar as it related to ocean mail carriers it is considered by the Postal Service to have been impliedly repealed by act June 29, 1936, ch. 858, §§ 302, 903, 49 Stat. 1993, 2016. Insofar as it related to air mail carriers it was expressly repealed by act June 23, 1938, ch. 601, § 1107(c), 52 Stat. 1027.

CHAPTER 25—SHIP MORTGAGES

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CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Home port of vessels, see section 1011 et seq. of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1011, 1014, 1114, 1225, 1271 of this Appendix; title 15 section 1014; title 42 section 9118; title 49 section 11303.

SUBCHAPTER I—DEFINITIONS

§ 911. Words and terms used in chapter

When used in this chapter—

(1) The term "document" includes registry and enrollment and license;

(2) The term "documented" means registered or enrolled or licensed under the laws of the United States, whether permanently or temporarily;

(3) Except as provided in section 1011 of this Appendix, the term "port of documentation" means the port at which the vessel is documented, in accordance with law;

(4) The term "vessel of the United States" means any vessel documented under the laws of the United States and such vessel shall be held to continue to be so documented until its documents are surrendered with the approval of the Secretary of Transportation; and

(5) The term "mortgagee", in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed.

(June 5, 1920, ch. 250, § 30, subsec. B, 41 Stat. 1000; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Aug. 6, 1981, Pub. L. 97-31, § 12(54), 95 Stat. 158.)

CODIFICATION

This chapter comprises section 30 of act June 5, 1920, as amended, known as the Merchant Marine Act, 1920. For complete classification of the remainder of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

AMENDMENTS

1981—Par. (4). Pub. L. 97-31 substituted reference to Secretary of Transportation for reference to Commission. For prior transfers of functions, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

"Commission" (meaning United States Maritime Commission) was substituted for "board" (meaning United States Shipping Board). For dissolution of the Board and transfer of its functions to the United States Maritime Commission, see Ex. Ord. No. 6166 and act June 29, 1936. Ex. Ord. No. 6166 is set out as a note under section 901 of Title 5, Government Organization and Employees. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix, and Reorg. Plan No. 1 of 1967, set out under section 961 of this Appendix.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Definition of enrollment, license, or register with respect to vessel documentation, see section 12101 of Title 46, Shipping.

Federal ship mortgage insurance, see section 1271 et seq. of this Appendix.

Home port of vessels, see section 1011 et seq. of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 11 section 1110.

SUBCHAPTER II—RECORDING OF SALES, CONVEYANCES, AND MORTGAGES OF VESSELS OF THE UNITED STATES

§ 921. Sale, conveyance, or mortgage of vessel of United States; record

(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subsection (b) of this section.

(b) Such collector of customs shall record bills of sale, conveyances, and mortgages delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage.

(June 5, 1920, ch. 250, § 30, subsec. C, 41 Stat. 1000.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat.

1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 922 of this Appendix.

§ 922. Preferred mortgages

(a) Requirements

A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than twenty-five gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subsection, the preferred status given by the provisions of section 953 of this Appendix, if—

(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

(2) The mortgage is recorded as provided in section 921 of this Appendix, together with the time and date when the mortgage is so endorsed;

(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

(5) The mortgagee is a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or is a citizen of the United States, and for the purposes of this chapter the Reconstruction Finance Corporation shall, in addition to those designated in sections 888 and 802 of this Appendix, be deemed a citizen of the United States.

(b) Preferred status

Any mortgage which complies in respect to any vessel with the conditions enumerated in this section is hereafter in this chapter called a "preferred mortgage" as to such vessel.

(c) Indorsements

There shall be indorsed upon the documents of a vessel covered by a preferred mortgage—

(1) The names of the mortgagor and mortgagee;

(2) The time and date the indorsement is made;

(3) The amount and date of maturity of the mortgage; and

(4) Any amount required to be indorsed by the provisions of subsection (e) or (f) of this section.

(d) Collector of customs

Such indorsement shall be made (1) by the collector of customs of the port of documentation of the mortgaged vessel, or (2) by the collector of customs of any port in which the vessel is found, if such collector is directed to make the indorsement by the collector of customs of the port of documentation; and no clearance shall be issued to the vessel until such indorsement is made. The collector of customs of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such indorsement shall be transferred to and indorsed upon the new document by the collector of customs.

(e) Property other than a vessel

A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be indorsed upon the documents of the vessel.

(f) Separate discharges

If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be indorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage.

(June 5, 1920, ch. 250, § 30, subsec. D, 41 Stat. 1000; June 27, 1935, ch. 319, 49 Stat. 424; Sept. 26, 1961, Pub. L. 87-303, § 1(a), 75 Stat. 661; Nov. 16, 1979, Pub. L. 96-112, § 5, 93 Stat. 849.)

AMENDMENTS

1979—Subsec. (a)(5). Pub. L. 96-112 substituted "The mortgagee is a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or is a citizen of the United States, and for the purposes of this chapter" for "The mortgagee is a citizen of the United States and for the purposes of this section".

1961—Subsec. (a). Pub. L. 87-303 substituted "twenty-five gross tons" for "two hundred gross tons".

1935—Subsec. (a). Act June 27, 1935, struck out "over two hundred gross tons and upwards" and inserted parenthetical provision.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 4 of Pub. L. 87-303 provided that: "The amendment made by the first section of this Act [amending this section] shall take effect December 31, 1961, or on the date of enactment of this Act [Sept. 26, 1961], whichever date first occurs."

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

Reconstruction Finance Corporation was abolished and remaining functions transferred to Housing and Home Finance Agency, Administrator of General Services, Administrator of Small Business Administration, and Secretary of Commerce, such transfer including assets and liabilities, administrative property, personnel, funds, and records, pursuant to Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

MORTGAGES IN EXISTENCE ON SEPTEMBER 26, 1961

Section 1(b) of Pub. L. 87-303 provided that: "The amendment made by subsection (a) of this section [amending subsec. (a) of this section] shall not apply to (1) any mortgage in existence on the date of enactment of this Act [Sept. 26, 1961], or (2) any mortgage placed on a vessel after the date of enactment of this Act under a mortgage on such vessel in existence on the date of enactment of this Act so long as such existing mortgage remains undischarged."

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Penalty for failure to file affidavit, see section 941 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 941 of this Appendix.

§ 923. Certified copies of mortgage; exhibition

The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the documents of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the documents of the vessel and the copy of any preferred mortgage of the vessel placed on board thereof. The requirement of this section that a copy of a preferred mortgage be placed and retained on board the mortgaged vessel shall not apply in the case of a mortgaged vessel which is not self-propelled (including but not limited to, barges, scows, lighters, and car floats).

(June 5, 1920, ch. 250, § 30, subsec. E, 41 Stat. 1001; Sept. 16, 1966, Pub. L. 89-582, § 2(a), 80 Stat. 795.)

AMENDMENTS

1966—Pub. L. 89-582 excluded a mortgaged vessel which is not self-propelled from the requirement that a copy of a preferred mortgage be placed and retained on board the mortgaged vessel.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2(b) of Pub. L. 89-582 provided that: "The amendment made by subsection (a) of this section [amending this section] shall apply to all mortgages whether made before, on, or after the date of enactment of this section [Sept. 16, 1966]."

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices, eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Penalties for violation of this section, see section 941 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 941 of this Appendix.

§ 924. Prior and subsequent maritime liens on mortgaged vessel

The mortgagor (1) shall, upon request of the mortgagee, disclose in writing to him prior to the execution of any preferred mortgage, the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged, that is known to the mortgagor, and (2), without the consent of the mortgagee, shall not incur, after the execution of such mortgage and before the mortgagee has had a reasonable time in which to record the mortgage and have indorsements in respect thereto made upon the documents of the vessel, any contractual obligation creating a lien upon the vessel other than a lien for wages of stevedores when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, or for salvage, including contract salvage, in respect to the vessel.

(June 5, 1920, ch. 250, § 30, subsec. F, 41 Stat. 1002.)

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Penalties for violation of this section, see section 941 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 925. Record of notice of claim of lien on mortgaged vessel; discharge of lien

(a) The collector of customs of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge. The collector of customs shall thereupon record the certificate.

(b) The mortgagor upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector of customs for the port of documentation of the vessel, a certificate of such discharge. Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made.

(June 5, 1920, ch. 250, § 30, subsec. G, 41 Stat. 1002.)

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

Administrative Delegation of Functions by Secretary of the Treasury

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 941, 951 of this Appendix.

§ 926. Conditions precedent to record

(a) Interests involved

No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) Acknowledgement

No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds.

(c) Certified copy of vessel record

In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy.

(d) Rate of interest

A preferred mortgage may bear such rate of interest as is agreed by the parties thereto.

(June 5, 1920, ch. 250, § 30, subsec. H, 41 Stat. 1002.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 927 of this Appendix.

§ 927. Inspection of and copies from records; fees

Each collector of customs shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subsection (c) of section 926 of this Appendix. The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished by him, in the amount of 20 cents a folio with a minimum charge of $1, except that if a person requesting certification of more than ten copies of a mortgage which includes more than one vessel, furnishes such copies to the collector, the fee for certification of each copy in excess of ten shall be $1 per copy. All such fees shall be covered into the Treasury of the United States as miscellaneous receipts.

(June 5, 1920, ch. 250, § 30, subsec. I, 41 Stat. 1002; Sept. 16, 1966, Pub. L. 89-582, § 1, 80 Stat. 795.)

AMENDMENTS

1966—Pub. L. 89-582 prescribed a certification fee of $1 per each furnished copy in excess of ten of a mortgage which includes more than one vessel.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, was an officer of the Treasury Department.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SUBCHAPTER III—PENALTIES

§ 941. Violations

(a) Failure of master to exhibit documents

If the master of the vessel willfully fails to exhibit the documents of the vessel or the copy of any preferred mortgage thereof, as required by section 923 of this Appendix, the Coast Guard may suspend or cancel the master's license.

(b) Unlawful acts by mortgagor

A mortgagor who, with intent to defraud, violates any provision of section 924 of this Appendix, and if the mortgagor is a corporation or association, the president or other principal executive officer of the corporation or association, shall upon conviction thereof be held guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than two years, or both. The mortgaged indebtedness shall thereupon become immediately due and payable at the election of the mortgagee.

(c) Liability of collector of customs

If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employee, or agent thereof, properly to perform any duty required of the collector under the provisions of this chapter, the collector of customs shall be liable to such person for damages in the amount of such loss. If any such person is caused any such loss by reason of the failure of the mortgagor, or master of the mortgaged vessel, or any officer, employee, or agent thereof, to comply with any provision of section 923 or 924 of this Appendix, or to file an affidavit as required by subsection (a) of section 922 of this Appendix, correct in each particular thereof, the mortgagor shall be liable to such person for damages in the amount of such loss. The district courts of the United States are given jurisdiction (but not to the exclusion of the courts of the several States, Territories, Districts, or possessions) of suits for the recovery of such damages, irrespective of the amount involved in the suit or the citizenship of the parties thereto. Such suit shall be begun by personal service upon the defendant within the limits of the district. Upon judgment for the plaintiff in any such suit, the court shall include in the judgment an additional amount for costs of the action and a reasonable counsel's fee, to be fixed by the court.

(June 5, 1920, ch. 250, § 30, subsec. J, 41 Stat. 1003; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of all other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14, Coast Guard. The collector of customs, referred to in this section, was an officer of the Treasury Department.

In subsec. (a), "Coast Guard" was substituted for "board of local inspectors of vessels having jurisdiction of the license of the master," "the master's license" was substituted for "such license," and ", subject to the provisions of 'An Act to provide for appeals from decision of boards of local inspectors of vessels and for other purposes,' approved June 10, 1918 [former 46 U.S.C. 431-434]" at end of subsection was omitted on authority of Reorg. Plan No. 3 of 1946, §§ 101-104, set out as a note preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

FEDERAL RULES OF CIVIL PROCEDURE

Effect of rule 54 on this section, see note by Advisory Committee under rule 54, Title 28, Appendix, Judiciary and Judicial Procedure.

Judgment and costs, see rule 54.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 951 of this Appendix.

SUBCHAPTER IV—FORECLOSURE OF PREFERRED MORTGAGES

§ 951. Lien of preferred mortgage; foreclosure; jurisdiction; procedure; foreign ship mortgages

A preferred mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. Upon the default of any term or condition of the mortgage, such lien may be enforced by the mortgagee by suit in rem in admiralty. Original jurisdiction of all such suits is granted to the district courts of the United States exclusively. In addition to any notice by publication, actual notice of the commencement of any such suit shall be given by the libellant, in such manner as the court shall direct, to (1) the master, other ranking officer, or caretaker of the vessel, and (2) any person who has recorded a notice of claim of an undischarged lien upon the vessel, as provided in section 925 of this Appendix, unless after search by the libellant satisfactory to the court, such mortgagor, master, other ranking officer, caretaker, or claimant is not found within the United States. Failure to give notice to any such person, as required by this section, shall not constitute a jurisdictional defect; but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit. Suit in personam for the recovery of such damages may be brought in accordance with the provisions of subsection (c) of section 941 of this Appendix.

Foreign ship mortgages: As used in sections 951 to 954 of this Appendix, the term "preferred mortgage" shall include, in addition to a preferred mortgage made pursuant to the provisions of this chapter, any mortgage, hypothecation, or similar charge created as security upon any documented foreign vessel (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons) if such mortgage, hypothecation, or similar charge has been duly and validly executed in accordance with the laws of the foreign nation under the laws of which the vessel is documented and has been duly registered in accordance with such laws in a public register either at the port of registry of the vessel or at a central office; and the term "preferred mortgage lien" shall also include the lien of such mortgage, hypothecation, or similar charge: *Provided, however,* That such "preferred mortgage lien" in the case of a foreign vessel shall also be subordinate to maritime liens for repairs, supplies, towage, use of drydock or marine railway, or other necessaries, performed or supplied in the United States.

(June 5, 1920, ch. 250, § 30, subsec. K, 41 Stat. 1003; June 29, 1954, ch. 419, 68 Stat. 323.)

AMENDMENTS

1954—Act June 29, 1954, added second par. extending term "preferred mortgage" to include foreign ship mortgages.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 952. Receiver in foreclosure; possession by marshal

In any suit in rem in admiralty for the enforcement of the preferred mortgage lien, the court may appoint a receiver and, in its discretion, authorize the receiver to operate the mortgaged vessel. The marshal may be authorized and directed by the court to take possession of the mortgaged vessel notwithstanding the fact that the vessel is in the possession or under the control of any person claiming a possessory common-law lien.

(June 5, 1920, ch. 250, § 30, subsec. L, 41 Stat. 1004.)

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

Preexisting liens, termination and attachment, see section 953 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 951, 953 of this Appendix.

§ 953. Preferred maritime lien; priorities; other liens

(a) When used hereinafter in this chapter, the term "preferred maritime lien" means (1) a lien arising prior in time to the recording and indorsement of a preferred mortgage in accordance with the provisions of this chapter; or (2) a lien for damages arising out of tort, for wages of a stevedore when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, and for salvage, including contract salvage.

(b) Upon the sale of any mortgaged vessel by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a preferred mortgage lien thereon, all preexisting claims in the vessel, including any possessory common-law lien of which a lienor is deprived under the provisions of section 952 of this Appendix, shall be held terminated and shall thereafter attach, in like amount and in accordance with their respective priorities, to the proceeds of the sale; except that the preferred mortgage lien shall have priority over all claims against the vessel, except (1) preferred maritime liens, and (2) expenses and fees allowed and costs taxed, by the court.

(June 5, 1920, ch. 250, § 30, subsec. M, 41 Stat. 1004.)

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

Preferred mortgages, see sections 922, 951 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 922, 951 of this Appendix.

§ 954. Suits in personam in admiralty on default

(a) Upon the default of any term or condition of a preferred mortgage upon a vessel, the mortgagee may, in addition to all other remedies granted by this chapter, bring suit in personam in admiralty in a district court of the United States, against the mortgagor for the amount of the outstanding mortgage indebtedness secured by such vessel or any deficiency in the full payment thereof.

(b) This chapter shall not be construed, in the case of a mortgage covering, in addition to vessels, realty or personalty other than vessels, or both, to authorize the enforcement by suit in rem in admiralty of the rights of the mortgagee in respect to such realty or personalty other than vessels.

(June 5, 1920, ch. 250, § 30, subsec. N, 41 Stat. 1004.)

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 951 of this Appendix.

SUBCHAPTER V—TRANSFERS OF MORTGAGED VESSELS AND ASSIGNMENT OF VESSEL MORTGAGES

§ 961. Transfers and assignments

(a) Surrender of documents

The documents of a vessel of the United States covered by a preferred mortgage may not be surrendered (except in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country) without the approval of the Secretary of Transportation. The Secretary of Transportation shall refuse such approval unless the mortgagee consents to such surrender.

(b) Termination of mortgagee's interest

The interest of the mortgagee in a vessel of the United States covered by a mortgage, shall not be terminated by the forfeiture of the vessel for a violation of any law of the United States, unless the mortgagee authorized, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation.

(c) Sale of mortgaged vessel

Upon the sale of any vessel of the United States covered by a preferred mortgage, by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a maritime lien other than a preferred maritime lien, the vessel shall be sold free from all preexisting claims thereon; but the court shall, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagor[1] to accept a new mortgage of the vessel for the balance of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court. If such new mortgage is given, the mortgagee shall not be paid from the proceeds of the sale and the amount payable as the purchase price shall be held diminished in the amount of the new mortgage indebtedness.

(d) Assignment of mortgage rights

No rights under a mortgage of a vessel of the United States shall be assigned to any person not a citizen of the United States without the approval of the Secretary of Transportation. Any assignment in violation of any provision of this chapter shall be void.

(e) Transfers of evidence of indebtedness

No bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee may be issued, transferred, or assigned to a person not a citizen of the United States, without the approval of the Secretary of Transportation, unless the trustee or substitute trustee of such mortgage is approved by the Secretary of Transportation. The Secretary of Transportation shall grant his approval if such trustee or substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000. If such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Transportation shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary of Transportation, shall be unlawful. If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee is issued, transferred, or assigned to a person not a citizen of the United States in violation of this paragraph, the issuance, transfer, or assignment shall be void.

(f) Sale of vessels to non-citizens

No vessel of the United States shall be sold by order of a district court of the United States in any suit in rem in admiralty to any person not a citizen of the United States.

(June 5, 1920, ch. 250, § 30, subsec. O, 41 Stat. 1004; Nov. 8, 1965, Pub. L. 89-346, § 3, 79 Stat. 1306; Aug. 6, 1981, Pub. L. 97-31, § 12(55), 95 Stat. 158.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(55)(C), substituted reference to the Secretary of Transportation for reference to the board, meaning the United States Shipping Board, in two places.

Pub. L. 97-31, § 12(55)(A), (B), which directed that a period be inserted after "Commission" and that "The Secretary" be inserted at beginning of second sentence, was not executed to text because there already was a period at end of first sentence and § 12(55)(C) substituted reference to "The Secretary of Transportation" at beginning of second sentence.

Subsec. (d). Pub. L. 97-31, § 12(55)(C), substituted reference to Secretary of Transportation for board, meaning United States Shipping Board.

Subsec. (e). Pub. L. 97-31, § 12(55)(D), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1965—Subsecs. (e), (f). Pub. L. 89-346 added subsec. (e) and redesignated former subsec. (e) as (f).

TRANSFER OF FUNCTIONS

For transfer of functions of United States Shipping Board, see Ex. Ord. No. 6166, set out under section 901 of Title 5, Government Organization and Employees, act June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016, and Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

REORGANIZATION PLAN NO. 1 OF 1967

Eff. May 9, 1967, 32 F.R. 7049, 81 Stat. 947

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, February 27, 1967, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

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[1] So in original. Probably should be "mortgagee."

CERTAIN FUNCTIONS RELATING TO SHIP MORTGAGES

SECTION 1. TRANSFER OF FUNCTIONS

The functions which are now vested in the Secretary of Commerce relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), are hereby transferred to the Secretary of Transportation.

SEC. 2. INCIDENTAL TRANSFERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by this reorganization plan as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of Transportation at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting Reorganization Plan No. 1 of 1967.

This plan would transfer from the Secretary of Commerce to the Secretary of Transportation authority to approve the surrender of certain ship documents. These documents include certificates of ownership, declarations of citizenship, and related ship papers issued for commercial vessels covered by preferred mortgages or owned by the United States.

Under the act establishing the Department of Transportation, the Secretary of Transportation, acting through the Coast Guard, will have responsibility for recording bills of sale, transfers, and mortgages of ships; for issuing new marine documents; and for retaining custody of preferred mortgages on vessels.

The Secretary of Transportation will not, however, have the authority to approve the surrender of documents for vessels covered by preferred mortgages. That authority still resides with the Secretary of Commerce.

As a result, shipowners will have to deal with two separate departments of the Federal Government every time a ship's name is changed, its structure is modified, or it is sold or transferred.

In each of these and other cases, the shipowner must first seek the approval of the Secretary of Commerce to surrender the ship's documents and then request the Secretary of Transportation to issue new documents.

The reorganization plan is designed to eliminate this duplication of effort, and to save time and expense for shipowners.

This is not a major reorganization plan. But it is important. It is part of our larger effort to streamline the Government, to make its operations as efficient as possible, and to enable it to provide better service to the citizens and businessmen of this country.

This plan has been prepared in accordance with chapter 9 of title V [5] of the United States Code. I have found, after investigation, that the reorganization is necessary to accomplish one or more of the purposes set forth in section 901(a) of that title.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, February 27, 1967.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 12111.

SUBCHAPTER VI—MARITIME LIENS FOR NECESSARIES

§ 971. Persons entitled to lien

Any person furnishing repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any vessel, whether foreign or domestic, upon the order of the owner of such vessel, or of a person authorized by the owner, shall have a maritime lien on the vessel, which may be enforced by suit in rem, and it shall not be necessary to allege or prove that credit was given to the vessel.

(June 5, 1920, ch. 250, § 30, subsec. P, 41 Stat. 1005.)

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 972. Persons authorized to procure repairs, supplies, and necessaries

The following persons shall be presumed to have authority from the owner to procure repairs, supplies, towage, use of dry dock or marine railway, and other necessaries for the vessel: The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is intrusted. No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel.

(June 5, 1920, ch. 250, § 30, subsec. Q, 41 Stat. 1005.)

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Officers and agents, see section 973 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 973 of this Appendix.

§ 973. Notice to person furnishing repairs, supplies, and necessaries

The officers and agents of a vessel specified in section 972 of this Appendix shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel.

(June 5, 1920, ch. 250, § 30, subsec. R, 41 Stat. 1005; Aug. 10, 1971, Pub. L. 92-79, 85 Stat. 285.)

Amendments

1971—Pub. L. 92-79 struck out provisions prohibiting the construction of this chapter to confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel.

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 974. Waiver of right to lien

Nothing in this chapter shall be construed to prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, or the mortgagee, from waiving his right to a lien, or in the case of a preferred mortgage lien, to the preferred status of such lien, at any time by agreement or otherwise; and this chapter shall not be construed to affect the rules of law existing on June 5, 1920, in regard to (1) the right to proceed against the vessel for advances, (2) laches in the enforcement of liens upon vessels, (3) the right to proceed in personam, (4) the rank of preferred maritime liens among themselves, or (5) priorities between maritime liens and mortgages, other than preferred mortgages, upon vessels of the United States.

(June 5, 1920, ch. 250, § 30, subsec. S, 41 Stat. 1005.)

Codification

Words "existing on June 5, 1920" were substituted for "now existing".

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 975. State statutes superseded

This chapter shall supersede the provisions of all State statutes conferring liens on vessels, insofar as such statutes purport to create rights of action to be enforced by suits in rem in admiralty against vessels for repairs, supplies, towage, use of dry dock or marine railway, and other necessaries.

(June 5, 1920, ch. 250, § 30, subsec. T, 41 Stat. 1006.)

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

§ 981. Existing mortgages not affected

This chapter shall not apply (1) to any existing mortgage, or (2) to any mortgage hereafter placed on any vessel under a mortgage existing on June 5, 1920, so long as such existing mortgage remains undischarged.

(June 5, 1920, ch. 250, § 30, subsec. U, 41 Stat. 1006.)

Codification

Words "under a mortgage existing on June 5, 1920," were substituted for "now under an existing mortgage".

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 982. Books for collectors of customs

The Secretary of Transportation or [1] the Secretary of the Treasury are authorized and directed to furnish collectors of customs with all necessary books and records, and with certificates of registry and of enrollment and license in such form as provides for the making of all indorsements thereon required by this chapter.

(June 5, 1920, ch. 250, § 30, subsec. V, 41 Stat. 1006; Aug. 6, 1981, Pub. L. 97-31, § 12(56), 95 Stat. 158.)

Amendments

1981—Pub. L. 97-31 substituted reference to Secretary of Transportation and Secretary of the Treasury for reference to Secretary of Commerce. For prior transfers of functions of the Secretary of Commerce, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of Secretary of Commerce, see sections 101 to 104 of Reorg. Plan No. 3 of 1946, set out as a note preceding section 3 of this Appendix, and Reorg. Plan No. 26 of 1950 and Reorg. Plan No. 1 of 1965, set out in the Appendix to Title 5, Government Organization and Employees.

Cross References

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

Definition of enrollment, license, or registry with respect to vessel documentation, see section 12101 of Title 46, Shipping.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 983. Rules and regulations by Secretary of Transportation or Secretary of the Treasury

The Secretary of Transportation or the Secretary of the Treasury is authorized to make such regulations in respect to the recording and indorsing of mortgages covering vessels of the United States, as he deems necessary to the efficient execution of the provisions of this chapter.

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[1] So in original. Probably should be "and".

(June 5, 1920, ch. 250, § 30, subsec. W, 41 Stat. 1006; Aug. 6, 1981, Pub. L. 97-31, § 12(57), 95 Stat. 158.)

AMENDMENTS

1981—Pub. L. 97-31 substituted reference to Secretary of Transportation or Secretary of the Treasury for reference to Secretary of Commerce. For prior transfers of functions of the Secretary of Commerce, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of Secretary of Commerce, see sections 101 to 104 of Reorg. Plan No. 3 of 1946, set out as a note preceding section 3 of this Appendix, and Reorg. Plan No. 26 of 1950, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Amendment of provisions of this chapter as are in conflict with sections 1011, 1012, and 1013 of this Appendix, see section 1014 of this Appendix.

"Port of documentation" as meaning "home port", see section 1011 of this Appendix.

§ 984. Short title

This chapter may be cited as the "Ship Mortgage Act, 1920."

(June 5, 1920, ch. 250, § 30, subsec. A, 41 Stat. 1000.)

CHAPTER 26—HOME PORT OF VESSELS

Sec.
1011. Port of documentation.
1012. Record at home port.
1013. Conveyances and other instruments and acts validated.
1014. Navigation laws and other legislation amended.

§ 1011. Port of documentation

Wherever in the Ship Mortgage Act, 1920 [46 App. U.S.C. 911 et seq.], the words "port of documentation" are used they shall be deemed to mean the "home port" of the vessel. except that the words "port of documentation" shall not include a port in which a temporary document is issued.

(Feb. 16, 1925, ch. 235, § 4, 43 Stat. 948.)

REFERENCES IN TEXT

The Ship Mortgage Act, 1920, referred to in text, is act June 5, 1920, ch. 250, § 30, 41 Stat. 1000, as amended, which is classified generally to chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 984 of this Appendix and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 911 of this Appendix.

§ 1012. Record at home port

No bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation (except bottomry), which includes a vessel of the United States or any portion thereof shall be valid in respect to such vessel against any person other than the grantor or mortgagor, his heirs or devisees, and any person having actual notice thereof, until such bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation is recorded in the office of the collector of customs at the home port of such vessel. Any bill of sale or conveyance of the whole or any part of a vessel shall be recorded at the home port of such vessel as shown in her new document.

(Feb. 16, 1925, ch. 235, § 2, 43 Stat. 948.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The collector of customs, referred to in this section, is an officer of the Treasury Department.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

§ 1013. Conveyances and other instruments and acts validated

All conveyances and mortgages of any vessel or any part thereof, and all documentations, recordations, indorsements, and indexing thereof, and proceedings incidental thereto made or done, prior to February 16, 1925, are declared valid to the extent they would have been valid if the port or ports at which said vessel has in fact been documented from time to time had been the port or ports at which it should have been documented in accordance with law; and this section is declared retroactive so as to accomplish such validations: *Provided*, That nothing herein contained shall be construed to deprive any person of any vested right.

(Feb. 16, 1925, ch. 235, § 3, 43 Stat. 948.)

§ 1014. Navigation laws and other legislation amended

All such provisions of the navigation laws of the United States and of the Ship Mortgage Act, 1920 [46 App. U.S.C. 911 et seq.], as are in conflict with this chapter, are amended to conform therewith.

(Feb. 16, 1925, ch. 235, § 5, 43 Stat. 948.)

REFERENCES IN TEXT

The navigation laws of the United States, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

The Ship Mortgage Act, 1920, referred to in text, is act June 5, 1920, ch. 250, § 30, 41 Stat. 1000, as amended, which is classified generally to chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 984 of this Appendix and Tables.

This chapter, referred to in text, was in the original "this Act", meaning act Feb. 16, 1925, ch. 235, 43 Stat. 947, sections 2 to 5 of which are classified to this chapter. Section 1 of act Feb. 16, 1925, was classified to section 18 of former Title 46, Shipping, and was repealed by Pub. L. 96-594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459.

CHAPTER 27—MERCHANT MARINE ACT, 1936

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CROSS REFERENCES

Emergency foreign vessel acquisition, see sections 196 to 198 of Title 50, War and National Defense.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 817b, 865a of this Appendix; title 40 sections 270f, 484; title 42 sections 9101, 9141; title 50 App. section 1744.

SUBCHAPTER I—DECLARATION OF POLICY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1122 of this Appendix.

§ 1101. Fostering development and maintenance of merchant marine

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States, insofar as may be practicable, (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel, and (e) supplemented by efficient facilities for shipbuilding and ship repair. It is declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

(June 29, 1936, ch. 858, title I, § 101, 49 Stat. 1985; Oct. 21, 1970, Pub. L. 91-469, § 1, 84 Stat. 1018.)

AMENDMENTS

1970—Pub. L. 91-469 struck out "on all routes" after "shipping service" in cl. (a) and inserted cl. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1119, 1120, 1161, 1191, 1222 of this Appendix.

SUBCHAPTER II—CREATION AND FUNCTIONS OF MARITIME AGENCIES

§ 1111. Powers and duties of agencies

(a) Repealed. Pub. L. 97-31, § 12(58)(A), Aug. 6, 1981, 95 Stat. 158

(b) Restriction on appointments; other employment forbidden; interest in shipping as disqualifying member

No person shall hold office as a member of the Commission who, within three years prior to his appointment, shall have been employed by, or have had any pecuniary interest, in any carrier by water or substantial pecuniary interest in any other person who derives a substantial portion of his revenues from any business associated with ships or shipping. Each member shall devote his full time to the duties of his office. It shall be unlawful for any member, officer, or employee of the Federal Maritime Commission to be in the employ of any other person, firm, or corporation, or to have any pecuniary interest in, or hold any official relationship with, any carrier by water, shipbuilder, contractor, or other person, firm, association, or corporation with whom the Federal Maritime Commission may have business relations.

(c) Records of meetings; seal; rules and regulations

The Commission shall, through its secretary, keep a true record of all its meetings and the yea-and-nay votes taken therein, on every action, order, contract, or financial transaction approved or disapproved by the Commission. It shall have an official seal which shall be judicially noticed, and shall adopt rules and regulations in regard to its procedure and the conduct of its business.

(d) Expenditures

The Commission and the Secretary of Transportation may make such expenditures as are necessary in the performance of their functions from funds made available to them by this chapter or appropriated after June 29, 1936, which further appropriations are authorized.

(e) Officers and employees

The Commission and the Secretary of Transportation may appoint and prescribe the duties and fix the salaries of a secretary, a director for each of not to exceed five divisions, a general counsel, a clerk to each member of the Commission and not more than three assistants, a clerk to the general counsel, not more than a total of twenty naval architects or marine engineers, twenty special experts, twenty-two examiners, twelve attorneys, and two inspectors for each vessel at each shipyard at which vessels are being constructed by it or under its supervision. The Commission and the Secretary of Transportation may, subject to the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of their functions.

(f) Traveling and subsistence expenses; pay for military officer on assignment

Each member, any employee of the Commission or the Secretary of Transportation, and any person detailed to it or the Secretary of Transportation from any other agency of the Government shall receive necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from his official station upon official business of the Commission or the Secretary of Transportation. Whenever any officer (not exceeding five in number at any time) of the Army, Navy, Marine Corps, or Coast Guard is detailed to the Commission or the Secretary of Transportation, he shall receive from the Commission or the Secretary of Transportation, for the period during which he is so detailed, such compensation as added to his pay and allowances as an officer in such service will make his aggregate compensation equal to the pay and allowances he would receive if he were the incumbent of an office or position in such service (or in the corresponding executive department), which, in the opinion of the Commission or the Secretary of Transportation, involves the performance of work similar in importance, difficulty, and responsibility to that performed by him while detailed to the Commission or the Secretary of Transportation. Expenditures by the Commission or the Secretary of Transportation shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or the Secretary of Transporation or a designated employee thereof.

(g) Effective date of section

This section shall take effect on June 29, 1936.

(June 29, 1936, ch. 858, title II, § 201, 49 Stat. 1985; Aug. 4, 1939, ch. 417, §§ 3, 4, 53 Stat. 1182; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; July 7, 1958, Pub. L. 85-507, § 21(b)(4), 72 Stat. 337; Oct. 21, 1970, Pub. L. 91-469, § 36, 84 Stat. 1036; Aug. 6, 1981, Pub. L. 97-31, § 12(58), 95 Stat. 158.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (e), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

Provisions of the first sentence of subsec. (e) that authorized the appointment and fixing of the salaries of a secretary, etc., "without regard to the civil-service laws or the Classification Act of 1923, as amended", and provisions that prohibited such employees from receiving an annual salary at a rate in excess of that provided under the Classification Act of 1923, as amended, were omitted as obsolete and superseded.

Such appointments are now subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the salaries of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

In the last sentence of subsec. (e), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(58)(A), struck out subsec. (a) which related to establishment, etc., of the United States Maritime Commission. For prior transfers of functions, see Transfer of Functions note below.

Subsec. (d). Pub. L. 97-31, § 12(58)(B), substituted "their" for "its" and "them" for "it" and inserted reference to Secretary of Transportation.

Subsec. (e). Pub. L. 97-31, § 12(58)(C), substituted "their" for "it", inserted reference to Secretary of Transportation, and struck out proviso which related to the transfer of employees from the United States Shipping Board Bureau or United States Shipping Board Merchant Fleet Corporation to the United States Maritime Commission and to the Acquisition of United States Civil Service status.

Subsec. (f). Pub. L. 97-31, § 12(58)(D), inserted references to Secretary of Transportation.

1970—Subsec. (b). Pub. L. 91-469 substituted in last sentence "Federal Maritime Commission" for "Commission" in two places.

1958—Subsec. (e). Pub. L. 85-507 struck out provisions which authorized detail of certain personnel for training at institutions for scientific education and research.

1949—Subsec. (e). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923, as amended,".

1939—Subsec. (e). Act Aug. 4, 1939, § 3, authorized the appointment of a clerk to the general counsel, increased the number of naval architects and special experts from 12 to 20 each, and the number of examiners from 12 to 22, and permitted not more than 5 members to be detailed annually for engineering, technical, or other scientific education and training.

Subsec. (f). Act Aug. 4, 1939, § 4, provided for the payment of compensation to officers of the Army, Navy, Marine Corps, or Coast Guard.

EFFECTIVE DATE OF 1958 AMENDMENT

For effective date of amendment by Pub. L. 85-507, see section 21(a) of Pub. L. 85-507.

REPEALS

Act Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out below.

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

COMPENSATION OF FEDERAL MARITIME COMMISSIONERS AND MARITIME ADMINISTRATOR

Annual basic compensation of Chairman of the Commission, members of the Commission, and Administrator, Maritime Administration, see sections 5314 and 5315 of Title 5, Government Organization and Employees.

EX. ORD. NO. 11156. MARITIME ADVISORY COMMITTEE

Ex. Ord. No. 11156, eff. June 17, 1964, 29 F.R. 7855, which established the Maritime Advisory Committee, was revoked by Ex. Ord. No. 11427, eff. Sept. 4, 1968, 33 F.R. 12617.

REORGANIZATION PLAN NO. 7 OF 1961

Eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, as amended Pub. L. 88-426, title III, § 305(19), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91-469, § 38, Oct. 21, 1970, 84 Stat. 1036

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 12, 1961, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see 5 U.S.C. 901 et seq.].

MARITIME FUNCTIONS

PART I. FEDERAL MARITIME COMMISSION

SECTION 101. CREATION OF FEDERAL MARITIME COMMISSION

(a) There is hereby established a Federal Maritime Commission, hereinafter referred to as the Commission.

(b) The Commission shall not be a part of any executive department or under the authority of the head of any executive department.

SEC. 102. COMPOSITION OF THE COMMISSION

(a) The Commission shall be composed of five Commissioners, who shall be appointed by the President by and with the advice and consent of the Senate. Each Commissioner shall be removable by the President for inefficiency, neglect of duty, or malfeasance in office.

(b) The President shall from time to time designate one of the Commissioners to be the Chairman of the Commission.

(c) Of the first five Commissioners appointed hereunder, one shall be appointed for a term expiring on June 30, 1962, one for a term expiring on June 30, 1963, one for a term expiring on June 30, 1964, and two for terms expiring on June 30, 1965. Their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds. Not more than three of the Commissioners shall be appointed from the same political party. A vacancy in the office of any such Commissioner shall be filled in the same manner as the original appointment.

(d) A vacancy in the Commission, so long as there shall be three Commissioners in office, shall not impair the power of the Commission to execute its functions. Any three of the Commissioners in office shall constitute a quorum for the transaction of the business of the Commission and the affirmative votes of any three Commissioners shall be sufficient for the disposition of any matter which may come before the Commission. [As amended Pub. L. 88-426, title III, § 305(19), Aug. 14, 1964, 78 Stat. 425.]

SEC. 103. TRANSFER OF FUNCTIONS TO COMMISSION

The following functions, which are now vested in the Federal Maritime Board under the provisions of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), are hereby transferred from that Board to the Commission:

(a) All functions under the provisions of sections 14-20, inclusive, and sections 22-33, inclusive, of the Shipping Act, 1916, as amended (46 U.S.C. 812-819 and 821-832), including such functions with respect to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons.

(b) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843-848).

(c) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), exclusive of subsection (1)(a) thereof.

(d) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212(e) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1122(f)).

(e) To the extent that they relate to functions transferred to the Commission by the foregoing provisions of this section:

(1) The functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended (46 U.S.C. 820).

(2) The functions with respect to adopting rules and regulations, making reports and recommendations to Congress, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under the provisions of sections 204, 208, and 214 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114, 1118, and 1124).

SEC. 104. TRANSFER OF FUNCTIONS TO CHAIRMAN

There are hereby transferred to the Chairman of the Commission:

(a) The functions of the Chairman of the Federal Maritime Board, including his functions derived from the provisions of Reorganization Plan No. 6 of 1949, to the extent that they relate to the functions transferred to the Commission by the provisions of section 103 of this reorganization plan.

(b) The functions of the Secretary of Commerce to the extent that they are necessary for, or incidental to, the administration of the functions transferred to the Commission by the provisions of section 103 of this reorganization plan.

SEC. 105. AUTHORITY TO DELEGATE

(a) The Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided, however,* That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 241), as amended [see 5 U.S.C. 556].

(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or employee board, upon its own initiative or upon petition of a party to or an intervenor in such action, within such time and in such manner as the Commission shall by rule prescribe: *Provided, however,* That the vote of a majority of the Commission less one member thereof shall be sufficient to bring any such action before the Commission for review.

(c) Should the right to exercise such discretionary review be declined, or should no such review be sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or employee board, shall, for all purposes, including appeal or review thereof, be deemed to be the action of the Commission.

(d) There are hereby transferred to the Chairman of the Commission the functions with respect to the assignment of Commission personnel, including Commissioners, to perform such functions as may have been delegated by the Commission to Commission personnel, including Commissioners, pursuant to the foregoing subsections of this section.

PART II. DEPARTMENT OF COMMERCE

SECTION 201. MARITIME ADMINISTRATOR

There shall be at the head of the Maritime Administration (established by the provisions of Part II of Reorganization Plan No. 21 of 1950) a Maritime Administrator, hereinafter referred to as the Administrator. The Assistant Secretary of Commerce for Maritime

Affairs shall, ex officio, be the Administrator. The Administrator shall perform such duties as the Secretary of Commerce shall prescribe. [As amended Pub. L. 88-426, title III, § 305(19)(B), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91-469, § 38(a), Oct. 21, 1970, 84 Stat. 1036.]

SEC. 202. FUNCTIONS OF SECRETARY OF COMMERCE

(a) Except to the extent inconsistent with the provisions of sections 101(b) or 104(b) of this reorganization plan, there shall remain vested in the Secretary of Commerce all the functions conferred upon the Secretary by the provisions of Reorganization Plan No. 21 of 1950.

(b) There are hereby transferred to the Secretary of Commerce:

(1) All functions of the Federal Maritime Board under the provisions of section 105(1) to 105(3), inclusive, of Reorganization Plan No. 21 of 1950.

(2) Except to the extent transferred to the Commission by the provisions of section 103(e) of this reorganization plan, the functions described in the said section 103(e).

(3) Any other functions of the Federal Maritime Board not otherwise transferred by the provisions of part I of this reorganization plan.

(4) Except to the extent transferred to the Chairman of the Commission by the provisions of Part I of this reorganization plan, the functions of the Chairman of the Federal Maritime Board.

SEC. 203. DELEGATION OF FUNCTIONS

The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to all functions transferred to the Secretary of Commerce by, or remaining vested in him under, the provisions of this reorganization plan.

PART III. GENERAL PROVISIONS

SECTION 301. CONFLICT OF INTEREST

The provisions of the last sentence of section 201(b) of the Merchant Marine Act, 1936, as affected by the provisions of Reorganization Plan No. 21 of 1950 (46 U.S.C. § 1111(b)) (prohibiting the members of the Federal Maritime Board and all officers and employees of that Board or of the Maritime Administration from being in the employ of any other person, firm, or corporation, or from having any pecuniary interest in or holding any official relationship with any carrier by water, shipbuilder, contractor, or other person, firm, association, or corporation with whom the Federal Maritime Board or the Maritime Administration may have business relations) shall hereafter be applicable to the Commissioners composing the Commission and all officers and employees of the Commission. [As amended Pub. L. 91-469, § 38(b), Oct. 21, 1970, 84 Stat. 1036.]

SEC. 302. INTERIM APPOINTMENTS

Pending the initial appointment hereunder of the Commissioners composing the Commission and of the Maritime Administrator, but not for a period exceeding 90 days, such officers of the executive branch of the Government (including any person who is a member of the Federal Maritime Board or Deputy Maritime Administrator immediately prior to the taking effect of the provisions of this reorganization plan) as the President shall designate under the provisions of this section shall be Acting Commissioners of the Federal Maritime Commission or Acting Maritime Administrator. The President may designate one of such Acting Commissioners as Acting Chairman of the Commission. Any person who is not while serving under an interim appointment pursuant to the foregoing provisions of this section receiving compensation attached to another Federal office shall receive the compensation herein provided for the office wherein he serves in an interim capacity.

SEC. 303. INCIDENTAL TRANSFERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Commission or to the Chairman of the Commission by the provisions of Part I of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Subject to the foregoing provisions of this section, the Secretary of Commerce may transfer within the Department of Commerce personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions which were transferred to the Department of Commerce (including the Federal Maritime Board and the Chairman thereof) by the provisions of Reorganization Plan No. 21 of 1950.

SEC. 304. ABOLITION OF FEDERAL MARITIME BOARD

The Federal Maritime Board, including the offices of the members of the Board, is hereby abolished, and the Secretary of Commerce shall provide for the termination of any outstanding affairs of the said Board not otherwise provided for in this reorganization plan.

SEC. 305. STATUS OF PRIOR PLAN

The following provisions of Reorganization Plan No. 21 of 1950 are hereby superseded:

(1) Part I.

(2) Section 202.

(3) Sections 302 to 307, inclusive.

FEDERAL MARITIME COMMISSION; TERM OF OFFICE; VACANCIES; CONTINUITY OF SERVICE

Pub. L. 89-56, June 30, 1965, 79 Stat. 195, provided: "That Commissioners of the Federal Maritime Commission, provided for by section 102 of Reorganization Plan Numbered 7 of 1961 (75 Stat. 849), shall herafter be appointed for a term of five years except that one of the two terms which commence July 1, 1965, shall initially be for four years and thereafter shall be for five years: *Provided, however*, That a person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds: *Provided, further*, That upon the expiration of his term of office a Commissioner shall continue to serve until his successor shall have been appointed and shall have qualified."

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 7 of 1961, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for the reorganization of maritime functions.

The basic objective of the plan is to strengthen and revitalize the administration of our Federal programs concerned with the promotion and development of the U.S. merchant marine by concentrating responsibility in separate agencies for the performance of regulatory and promotional functions. The plan provides, therefore, for the creation of a separate Federal Maritime Commission, composed of five Commissioners, which would be charged with the regulatory functions of the present Federal Maritime Board. There would be transferred from the Federal Maritime Board to the Secretary of Commerce the award of subsidies and related promotional functions. The Secretary of Commerce would retain the functions transferred to him by Reorganization Plan No. 21 of 1950 which reorganized the U.S. Maritime Commission into a Federal Maritime Board and a Maritime Administration in the Department of Commerce. The plan retains the present Maritime Administration, provides for an Administrator as head thereof, retains a Deputy Maritime Administrator, and effects no change in the Office of the Under Secretary of Commerce for Transportation. The Federal Maritime Board is abolished.

Existing organizational arrangements have not proved to be satisfactory. The development and maintenance of a sound maritime industry require that the Federal Government carry out its dual responsibilities for regulation and promotion with equal vigor and effectiveness. Intermingling of regulatory and promotional functions has tended in this instance to dilute responsibility and has led to serious inadequacies, particularly in the administration of regulatory functions. Recent findings by committees of the Congress disclose serious violations of maritime laws and point to the urgent need for a reorganization to vest in completely separate agencies a responsibility for (1) regulatory functions and (2) promotional and operating functions.

The plan would provide the most appropriate organizational framework for each of the functions concerned. Regulation would be made the exclusive responsibility of a separate commission organized along the general lines of other regulatory agencies. On the other hand, nonregulatory functions, including the determination and award of subsidies and other promotional and operating activities, would be concentrated in the head of the Department of Commerce. The Secretary of Commerce is best qualified to coordinate these activities with other transportation and related economic programs.

The vesting of all subsidy functions in the Secretary of Commerce will make it possible for the Congress and the President to hold a single official responsible and accountable for the effective conduct of all aspects of this program, including the size and character of the fleet under the U.S. flag, the need for Government assistance, and requirements for appropriations to support subsidy programs. Furthermore, the placing of these functions in the Secretary of Commerce will assure essential supervision and review of subsidy awards.

The taking effect of the reorganizations included in the accompanying reorganization plan will result in a modest increase in expenditures. The improved organizational alinements provided by the plan will, however, make possible a more effective and expeditious administration of the statutory objectives to foster and promote a U.S. merchant marine capable of meeting the Nation's needs in peace and war. Failure to meet these objectives would be far more costly than the anticipated increase in expenditures under the plan.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 7 of 1961 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I have also found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of new officers specified in sections 102 and 201 of the plan. The rates of compensation fixed for these officers are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

I recommend that the Congress allow the reorganization plan to become effective.

JOHN F. KENNEDY.

THE WHITE HOUSE, June 12, 1961.

REORGANIZATION PLAN NO. 21 OF 1950

Eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, as amemded Reorg. Plan No. 7 of 1961, § 305, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

PART I. FEDERAL MARITIME BOARD

§§ 101–106. [Superseded. Reorg. Plan No. 7 of 1961, § 305, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840. Section 101 established the Federal Maritime Board. Section 102 provided for the composition of the Federal Maritime Board. Section 103 transferred certain functions from the Chairman of the United States Maritime Commission to the Chairman of the Federal Maritime Board. Section 104 transferred regulatory functions of the United States Maritime Commission to the Federal Maritime Board. Section 105 transferred subsidy award and other functions of the United States Maritime Commission to the Federal Maritime Board. Section 106 provided that the Board was to be an agency within the Department of Commerce, but would be independent of the Secretary of Commerce with respect to functions transferred to it under section 104.]

PART II. MARITIME ADMINISTRATION

§ 201. CREATION OF MARITIME ADMINISTRATION

There is hereby established in the Department of Commerce a Maritime Administration.

§ 202 [Superseded. Reorg. Plan No. 7 of 1961, § 305, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840. Section provided for a Maritime Administrator to be at the head of the Maritime Administration, and that the Chairman of the Federal Maritime Board would be such Administrator and would perform duties prescribed by the Secretary of Commerce.]

§ 203. DEPUTY MARITIME ADMINISTRATOR

There shall be in the Maritime Administration a Deputy Maritime Administrator, who shall be appointed by the Secretary of Commerce, after consultation with the Administrator, under the classified civil service, and who shall perform such duties as the Administrator shall prescribe. The Deputy Maritime Administrator shall be Acting Maritime Administrator during the absence or disability of the Administrator and, unless the Secretary of Commerce shall designate another person, during a vacancy in the office of Administrator: *Provided*, That such Deputy Administrator shall at no time sit as a member or acting member of the Federal Maritime Board.

§ 204. TRANSFER OF FUNCTIONS

Except as otherwise provided in part I of this reorganization plan, all functions of the United States Maritime Commission and of the Chairman of said Commission are hereby transferred to the Secretary of Commerce. The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by the Maritime Administrator of any function transferred to such Secretary by the provisions of this reorganization plan.

PART III. GENERAL PROVISIONS

§ 301. UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

There shall be in the Department of Commerce an additional office of Under Secretary with the title "Under Secretary of Commerce for Transportation." The Under Secretary of Commerce for Transportation shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Under Secretaries of Executive departments, and shall perform such duties as the Secretary of Commerce shall prescribe.

§§ 302-307. [Superseded. Reorg. Plan No. 7 of 1961, § 305, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840. Section 302 provided that person who was both Administrator and Chairman was to make joint use of the personnel under his supervision. Section 303 made conflict of interest provisions of the Merchant Marine Act, 1936, applicable to members of the Federal Maritime Board and officers and employees of the Board or of the Maritime Administration. Section 304 allowed the President to make interim appointments to the Federal Maritime Board from officers of the Executive Branch. Section 305 transferred to the Department of Commerce all property, personnel, records, and funds of the United States Maritime Commission. Section 306 abolished the United States Maritime Commission. Section 307 provided that the functions transferred by this reorganization plan would not be subject to Reorg. Plan No. 5 of 1950.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 21 of 1950, prepared in accordance with the provisions of the Reorganization Act of 1949. This plan effects a basic reorganization of the functions of the United States Maritime Commission along the lines recommended by the Commission on Organization of the Executive Branch of the Government.

Within the last 3 years three different bodies have studied the administration of the Maritime Commission. All have concluded that the operating deficiencies of the agency arise from inappropriate and unsound organization and that a fundamental reorganization is essential. The first of these bodies, the President's Advisory Committee on the Merchant Marine, in 1947, stated:

> It appears to the Committee that the organiration structure of the Maritime Commission as set up in the Merchant Marine Act of 1936 is wholly inadequate for the efficient conduct of the multitude of diverse activities for which the Maritime Commission is now responsible. The deficiencies of the statutory organization for administrative action are regarded by the Committee to be the most serious obstacle standing in the way of the development of the Merchant Marine of this country.

Similarly, the survey of the Maritime Commission in 1948 for the Senate Committee on Expenditures in the Executive Departments concluded that—

> The fundamental weakness of the Maritime Commission, as it is now constituted, lies in its proscribed organization.

On the basis of investigations of the Maritime Commission by two of its task forces, the Commission on Organization of the Executive Branch stated:

> It is an anomaly that a regulatory commission should also conduct the executive function of managing a huge business; that executive functions should be carried on by an agency that is not subject to Presidential directions; that executive functions should be carried on by a full-time board * * *.

While the recommendations of the various studies differ in some details, they agree on principles and on the main features of reorganization.

Basically, the administrative difficulties of the Maritime Commission have arisen, as all these studies agree, from the fact that the Commission is responsible for performing two fundamentally different types of functions which call for different types of organization. These two classes of functions are (a) regulatory and (b) operating and promotional. Under various acts the Commission regulates rates and services of water carriers; passes on agreements among carriers; and protects shippers against unfair and discriminatory practices. This type of activity requires the deliberation and independence of judgment which a board or commission is especially well designed to provide. But at the same time the Commission is charged with the conduct of a variety of large and costly promotional and business-type programs demanding the prompt and vigorous administration for which experience both in Government and in private enterprise has demonstrated that a single executive is essential.

The Maritime Commission has charge of the construction of merchant vessels for subsidized operators and for Government account. It owns and maintains the largest merchant fleet in the world, consisting of 2,200 vessels aggregating more than 22,000,000 deadweight tons. It charters and sells ships and, in time of war or national emergency, requisitions and operates vessels for the Government. It grants construction and operating differential subsidies to private shipping companies to maintain an active privately operated American merchant marine. It makes loans and insures mortgages to assist carriers in acquiring new vessels, and it conducts programs for training officers and seamen for the merchant marine. For the present fiscal year the performance of these functions will involve the expenditure of approximately $162,000,000 and the direction of an organization of 5,500 employees. In short, the administration of the Maritime Commission is a vast business undertaking. Moreover, the work of the Commission affects significantly the interests of both business and labor in the maintenance of a sound maritime industry.

Further than this, many of the activities of the Maritime Commission are closely related to other programs of the Government and have to be coordinated with them. In the construction of a subsidized ship the Commission must cooperate with the Coast Guard on those features of design, materials, and equipment which affect the safety of the vessel and with the Navy on those which especially affect the use of the ship for national defense. Furthermore, the whole program of subsidized ship construction needs to be adjusted to the plans and requirements for national defense. At the same time the Commission's programs for the development of the merchant marine must be coordinated with our foreign policy and with Federal programs with respect to other branches of transportation.

While an independent commission is an appropriate instrument for the performance of the regulatory functions of the Maritime Commission, such an agency obviously is not the type required to provide strong and efficient administration of the large operating programs now entrusted to the Commission or to obtain the needed coordination with other activities of the executive branch. This fact is amply demonstrated by the administrative difficulties and the complicated problems of coordination encountered in the operation of the Commission since the war and by the necessity of transferring a large part of its functions to the War Shipping Administration, headed by a single executive, during the war.

Briefly, this reorganization plan provides for a small Federal Maritime Board and a Maritime Administration in the Department of Commerce to perform the functions of the Maritime Commission, and abolishes the existing Commission. It transfers to the Board the regulatory functions of the Commission and definitely guarantees the independence of the Board in the performance of these functions. In addition, it vests directly in the Board the determination and award of construction and operating differential subsidies. In the performance of its subsidy functions the Board will be subject to general policy guidance by the Secretary of Commerce. The Board, however, and it alone, will determine to whom subsidies shall be granted and will make and award the subsidy contracts. Its actions therein will be conclusive and will not be subject to modification by any other agency or officer of the Department of Commerce. The other functions of the Maritime Commission, including carrying out the subsidy agreements made by the Board and administering the various operating programs, are transferred to the Secretary of Commerce for administration through the Maritime Administration. Thus, the plan provides for each of the two types of functions now vested in the Maritime Commission the type of organization best suited to its performance. At the same time, the plan will facilitate coordination of maritime policies and programs with other related policies and programs.

The division of functions under this plan conforms directly to the recommendations of the Commission on Organization of the Executive Branch of the Government. While the award of subsidies is a promotional rather than a regulatory function and might logically be assigned to the Maritime Administration instead of the Board, its impact on the shipping industry and on individual carriers is such as to make desirable the deliberation and combined judgment of a board. Accordingly, I have adhered to the recommendation of the Commission on Organization that this function be vested in a multiple body rather than a single official. Likewise, in line with the recommendations of the Commission, the plan assigns the determination of the over-all route pattern to the Secretary of Commerce.

The Maritime Board will consist of three members appointed by the President with the consent of the Senate for overlapping terms of 4 years. Not more than two of the members can be of the same political party. The Board, therefore, will be a smaller and more wieldy body which can function with greater expedition and efficiency than the existing five-member Commission. The Chairman will be designated by the President from the members of the Board and will be, ex officio, the Maritime Administrator and as such the head of the Maritime Administration. The plan also provides for a Deputy Maritime Administrator appointed by the Secretary of Commerce under the classified civil service. After investigation I have found, and hereby declare, that by reason of the reorganizations made by this plan, it is necessary to include in the plan provisions for the appointment and compensation of the members of the Federal Maritime Board and for the appointment of the Deputy Maritime Administrator.

In making the Chairman of the Federal Maritime Board the Maritime Administrator, the plan adopts an arrangement substantially similar to that which prevailed during the war, when the same individual served as Chairman of the Maritime Commission and head of the War Shipping Administration. This arrangement will have important advantages. It will facilitate cooperation between the Board and the Administration on matters of concern to both. Also, it will avoid dividing the personnel of the Maritime Commission, since the Chairman of the Board will supervise the personnel assisting it in the performance of its functions, as is now the case in the Maritime Commission, and in his capacity as Administrator he will have charge of the personnel carrying on the work of the Maritime Administration. The plan provides for the joint operation of the officers and employees under the Administrator and Chairman as a single body of personnel. The maintenance of a unified staff is essential for efficient and economical administration because many of the technical and professional personnel, such as ship designers and attorneys, now assist the Maritime Commission on problems of subsidy determination and also participate in the subsequent administration of subsidy agreements and in performing nonsubsidy functions.

The inclusion of the new Board in the Department of Commerce will permit the use of the administrative services of the Department. More important, it will eliminate the necessity of splitting the personnel of the Maritime Commission between the Department and an outside agency. In addition, it will relieve the President of having to handle relations with a separate maritime agency.

In establishing the Department of Commerce the Congress provided in the organic act of the Department that—

> It shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, * * * shipping, * * * and the transportation facilities of the United States.

Over the years, however, transportation functions have become widely scattered throughout the executive branch. As a result, intelligent planning and budgeting of Federal transportation activities and the necessary coordination of transportation programs have become extremely difficult or impossible. The transfer of the functions of the Maritime Commission to the Department of Commerce will constitute a major step in correcting this condition.

Without question the Department of Commerce is now the appropriate center for transportation programs. It contains the Civil Aeronautics Administration—the major operating and promotional agency of the Government in the field of air transportation—and the Weather Bureau, and the Coast and Geodetic Survey, which provide vital services to transportation. As a result of Reorganization Plan No. 7 of 1949, it now also includes the Bureau of Public Roads, the leading promotional agency dealing with land transportation. Also, it has the Inland Waterways Corporation in the field of water transportation. The transfer of the functions of the Maritime Commission will bring into the Department the principal water-transportation agency of the Government. These actions will go a long way toward the establishment of a sound and effective organization for the operating and promotional programs of the Government relating to transportation.

It is my purpose to look to the Secretary of Commerce for leadership with respect to transportation problems and for the development of over-all transportation policy within the executive branch. Because of the magnitude and importance of the transportation functions transferred to the Department of Commerce by this reorganization plan, I have found and hereby declare that it is necessary to strengthen the top administrative structure of the Department by providing for the appointment and compensation of a new Under Secretary of Commerce for Transportation. This will make available an officer of the highest rank to assist the Secretary in supervising the varied and complex transportation programs of the Department and providing central leadership in transportation matters. With the many responsibilities of the Secretary of Commerce in other areas, the creation of this office is essential to enable him properly to fulfill his obligations with respect to transportation.

After careful investigation I have found and I hereby declare that each of the reorganizations contained in this reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949. The rates of compensation fixed by the provisions of the reorganization plan for the Under Secretary of Commerce for Transportation, the Chairman, and the other two members of the Federal Maritime Board are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

In summary, the reorganizations provided by this plan will have the following principal advantages: They will provide an efficient organization headed by a single responsible official to administer the large operating and business-type programs of the Maritime Commission. At the same time, they will preserve the benefits of a bipartisan board for the performance of the regulatory functions of the Commission and the determination of subsidies. They will reduce the number of agencies reporting directly to the President and simplify the over-all management of the executive branch. In doing so, they will provide more adequate machinery for supervising the administration of the maritime programs and will facilitate their coordination with related policies and programs of the executive branch. Finally, they will accomplish a major advance in the development of an effective organization of Federal transportation programs in accord with the recommendations of the Commission on Organization of the Executive Branch of the Government. While it is impossible to estimate in advance the savings which will be brought about by this plan, the improvements in administrative efficiency resulting from it should produce substantial reductions in expenditures for the programs transferred by the plan.

Harry S. Truman.

The White House, March 13, 1950.

REORGANIZATION PLAN NO. 6 OF 1949

Eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1069

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

§ 1. Administration of Functions of Commission

The Chairman of the United States Maritime Commission shall be the chief executive and administrative officer of the United States Maritime Commission. In executing and administering on behalf of the Commission its functions (exclusive of functions transferred by the provisions of section 2 of this reorganization plan) the Chairman shall be governed by the policies, regulatory decisions, findings, and determinations of the Commission.

§ 2. Transfer of Functions

There are hereby transferred from the United States Maritime Commission to the Chairman of the Commission the functions of the Commission with respect to (1) the appointment and supervision of all personnel employed under the Commission, (2) the distribution of business among such personnel and among organizational units of the Commission, and (3) the use and expenditure of funds for administrative purposes: *Provided*, That the provisions of this section do not extend to personnel employed regularly and full time in the offices of members of the Commission other than the Chairman: *Provided further*, That the heads of the major administrative units shall be appointed by the Chairman only after consultation with the other members of the Commission.

§ 3. Performance of Transferred Functions

The functions of the Chairman under the provisions of this reorganization plan shall be performed by him or, subject to his supervision and direction, by such officers and employees under his jurisdiction as he shall designate.

Message of the President

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 6 of 1949, prepared in accordance with the Reorganization Act of 1949. This plan is designed to strengthen the administration of the United States Maritime Commission by making the Chairman and the chief executive and administrative officer of the Commission and vesting in him responsibility for the appointment of its personnel and the supervision and direction of their activities. After investigation, I have found and hereby declare that each reorganization included in this plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

Unlike other major regulatory commissions, the Maritime Commission is responsible not only for the performance of important regulatory functions but also for the administration of large and complex operating and promotional programs. Whereas the budgets of most regulatory agencies amount to only a few million dollars annually, the expenditures of the Maritime Commission exceed $130,000,000 a year. As a result of the war the Commission is the owner of a fleet of over 2,300 ships, aggregating more than 23,000,000 dead-weight tons.

While it is the policy of the Government, as set forth by the Merchant Marine Act of 1936 and the Merchant Ship Sales Act of 1946, to develop and maintain an adequate and effective merchant marine under private ownership, the Commission is still confronted with the necessity of carrying on substantial programs for the charter and sale of Government-owned vessels and with the continuing task of maintaining the reserve merchant fleet.

Apart from its functions with respect to the war-built fleet, the accomplishment of the Government's permanent objective with respect to the development of the American merchant marine inevitably involves the Commission to a wide variety of activities. Among these are the regulation of rates and competitive practices of water carriers, the determination of essential trade routes and services, the award of subsidies to offset differences between American and foreign costs, the design and construction of ships, the inspection of subsidized vessels, and the training of seamen.

In the last 2 years the operation of the Maritime Commission has been subjected to independent examination by three bodies—the President's Advisory Committee on the Merchant Marine, the Senate Committee on Expenditures in the Executive Departments, and the Commission on Organization of the Executive Branch of the Government. All of these studies have pointed to difficulties in the conduct of the Commission's business and the necessity of improved organization to strengthen the administration of the agencies. The remedies proposed have differed in some respects, but all the studies have emphasized the need of concentrating in a single official the management of a large part of the agency's work.

During the war such a concentration was temporarily accomplished by Executive order under the authority of the First War Powers Act. In effect, the Chairman of the Commission, as War Shipping Administrator, was made directly responsible for the administration of several major operating programs of the Commission. This arrangement proved its value under the stress of war. About a year after the end of the fighting, however, it was terminated and the organization reverted to the prewar pattern.

As a result of postwar experience, the Commission appointed a general manager in 1948. While this has brought considerable improvement, it has not extricated the Commission from administration to the degree which is desirable.

After careful consideration of the problems involved in improving the operation of the Maritime Commission, I have concluded that the proper action at this time is to concentrate in the Chairman the responsibility for the internal administration of the agency. This is achieved by the proposed reorganization plan by transferring to the Chairman the appointment of the personnel of the agency, except for the immediate assistants of the Commissioners, and the supervision and direction of their work. This is substantially the arrangement recommended for regulatory commissions by the Commission on Organization of the Executive Branch of the Government.

Such a plan of organization has many advantages. It leaves in the Commission as a body the performance of regulatory functions, the determination of subsidies, and the determination of major policies. Thus, it utilizes the Commission for the type of work for which such a body is best adapted. At the same time the plan places under a single official the day-to-day direction of the work of the staff within the policies and determinations adopted by the Commission in the exercise of its functions. This will provide more businesslike administration and help to overcome the delays, backlogs, and operating difficulties which have hampered the agency. At the same time by freeing the members of the Commission of much detail, the plan will enable them to concentrate on major questions of policy and program and thereby will obtain earlier and better considered resolution of the basic problems of the agency.

Though the taking effect of this plan in itself may not result in substantial immediate economies, it is probable that the improved organizational arrangements will bring about, over a period of time, improved operations and substantially reduced expenditures. An itemization of these reductions, however, in advance of actual experience under the plan is not practicable.

I am convinced that this reorganization plan will contribute importantly to the more businesslike and efficient administration of the programs of the Maritime Commission.

HARRY S. TRUMAN.

THE WHITE HOUSE, June 20, 1949.

FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

The following is a statement, in part, of the Department of Commerce, relating to the organization and functions of the Federal Maritime Board, and the Maritime Administration, created by Reorg. Plan No. 21 of 1950, set out above, as such statement appeared in 16 F.R. 44 to 46, Jan. 3, 1951:

The statement of organization and functions of the Maritime Administration issued in 15 F.R. 4454–4457 is hereby revoked and the following substituted therefor:

1. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950 [set out above]. In performance of their functions the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936 (49 Stat. 1985) [46 U.S.C. 1101], reaffirmed in section 2 of the Merchant Ship Sales Act, 1946 (60 Stat. 41) [50 App. U.S.C. 1735] * * *.

2. *Organization of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as chief executive and administrative officer of the Federal Maritime Board. Any two members in office constitute a quorum for the transaction of the business of the Federal Maritime Board, and the affirmative votes of any two members are sufficient for the disposition of any matter which may come before the Federal Maritime Board.

The Federal Maritime Board has the following organizational components: (a) Office of the Chairman of the Federal Maritime Board; (b) Offices of the Members of the Federal Maritime Board; (c) Secretary's Office; (d) Regulation Office; and (e) Hearing Examiners' Office.

Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration to perform activities for the Federal Maritime Board.

3. *Functions of the Federal Maritime Board*—(a) *Regulatory functions.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is independent of the Secretary of Commerce in the performance of the following functions: (1) All functions under the provisions of sections 14 to 20, inclusive, and sections 22 to 33, inclusive, of the Shipping Act, 1916, as amended [46 U.S.C. 812–819, 821–832], including such functions with respect to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons;

(2) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended [46 U.S.C. 843–848];

(3) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended [46 U.S.C. 876], exclusive of subsection (1)(a) thereof;

(4) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212(e) of the Merchant Marine Act, 1936 [46 U.S.C. 1122(e)]; and

(5) So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended [46 U.S.C. 820], as relates to its functions under items (1) through (4), above.

(b) *Subsidy contracts.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is guided by the general policies of the Secretary of Commerce in performing the following functions: (1) The functions with respect to making, amending, and terminating construction (reconstruction or reconditioning) differential subsidy contracts, including contracts for the construction, reconstruction, or reconditioning of vessels and contracts for the sale of vessels to subsidy applicants or contracts to pay a differential subsidy and the cost of national defense features. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of construction of comparable vessels in the United States and foreign countries and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(2) The functions with respect to making, amending, and terminating operating differential subsidy contracts and, subsequent to entering into an operating differential subsidy contract, making determinations with respect to employment and wage conditions, and taking action on readjustment of operating cost differentials and the sale, assignment, or transfer of the contract. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of operating vessels under the registry of the United States and under foreign registry, and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(3) The functions with respect to investigating and reporting on relative construction and operating costs in the United States and foreign maritime countries, and the relative advantages of operating under United States or foreign registry, and on marine insurance, navigation laws, and vessel mortgages as authorized under section 12 of the Shipping Act, 1916 [46 U.S.C. 811]; and

(4) The functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda as relates to its functions as set forth in items (1), (2), and (3), above.

(c) *Charters under the Merchant Ship Sales Act, 1946.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of warbuilt dry cargo vessels owned by the United States is required in the public interest in any service then not adequately served and for which privately owned American-flag vessels are not available for charter by private operators on reasonable conditions and rates, and certifies its findings to the Secretary of Commerce together with any restrictions and conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately owned vessels against competition from Government vessels chartered by the Secretary of Commerce. All such charters are reviewed annually by the Federal Maritime Board for the purpose of making recommendations to the Secretary of Commerce as to whether conditions exist justifying the continuance of the charters. The functions of the Secretary of Commerce with respect to the chartering of vessels has been delegated to the Maritime Administrator.

(d) *War risk insurance.* Pursuant to Public Law 763, 81st Congress [46 U.S.C. 1281-1294], the Federal Maritime Board makes determinations of the fair and reasonable value of vessels insured under the provisions of Title XII of the Merchant Marine Act, 1936, as amended [46 U.S.C. 1281-1294]. The Secretary of Commerce may not settle an insurance claim with respect to a vessel in an amount in excess of the vessel's fair and reasonable value as determined by the Federal Maritime Board.

(e) In carrying out its functions under paragraphs (a), (b), (c) and (d), above, the Federal Maritime Board adopts rules and regulations; makes reports and recommendations to Congress; subpoenas witnesses; administers oaths; takes evidence; requires the production of books, papers and documents as necessary; issues opinions; promulgates orders; engages in enforcement and other legal proceedings; and performs all functions formerly performable by the Maritime Commission, which have been transferred to the Federal Maritime Board pursuant to Reorganization Plan No. 21 of 1950.

4. *Organization of the Maritime Administration*—(a) *Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce.

(b) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator, who is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the Office of Maritime Administrator. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

(c) *Organizational components.* The Maritime Administration has the following organizational components: (1) Office of the Maritime Administrator; (2) Staff Offices including the Office of the General Counsel, the Program Planning Office, the Budget Office, and the Personnel Office; (3) Division of Claims; (4) Office of Subsidy and Government Aid; (5) Office of Maritime Operations; (6) Office of Ship Construction; (7) Office of the Comptroller; and (8) Offices of the Coast Directors.

(d) *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board under his supervision as Chairman to perform activities for the Maritime Administration.

(5) *Functions of the Maritime Administrator.* The Maritime Administrator is responsible for the performance of all functions transferred to the Secretary of Commerce under Reorganization Plan No. 21 of 1950, subject to the limitations set forth in Department Order No. 116, as amended, with power of redelegation, and for the performance of activities for the Federal Maritime Board as determined desirable by the Chairman of the Federal Maritime Board.

(a) The Office of the Maritime Administrator directs the activities of the Maritime Administration and includes personnel who render staff services to the Maritime Administrator.

(b) The Office of the General Counsel serves as the law office of the Maritime Administration and Federal Maritime Board, renders legal advice and opinions to them, and represents them in any litigation in which either is interested. The Office of the General Counsel has the following divisions: Division of Contracts, Division of Legislation, and Division of Litigation.

(c) The Program Planning Office develops and recommends long-range merchant marine policy and programs, reviews existing policies and programs in the light of adopted long-range policy, and conducts economic studies connected with policy formulation for the Maritime Administrator and the Federal Maritime Board.

(d) The Budget Office develops and presents budgetary requests and justifications and allots and maintains budgetary control of appropriated funds for the Maritime Administration and the Federal Maritime Board.

(e) The Personnel Office administers the personnel functions of the Maritime Administration and the Federal Maritime Board related to employment and position classification, including recruitment, placement, separations, disciplinary actions, counseling and grievance appeal services, training and safety programs, and wage rate studies.

(f) The Division of Claims is responsible for analyzing and recommending the basis of settlement of claims in favor of or against the Maritime Administration arising out of the war-time operations of the former Maritime Commission and War Shipping Administration and other claims referred to it for processing prior to August 22, 1949.

(g) The Office of Subsidy and Government Aid is responsible for the processing of applications to the Federal Maritime Board and the Maritime Administration for subsidy or other government aid and the administration of government aid contracts after their execution, for the coordination of the work of other organizational components in connection therewith, and for the making of recommendations with respect to the policy relating to vessel chartering. The Office of Subsidy and Government Aid has the following divisions: Division of Construction Cost Comparison, Division of Contract Evaluation and Administration, Division of Operating Cost Comparison, and Division of Shipping Data.

(h) The Office of Maritime Operations is responsible for the conduct of activities relating to the charter, operation, repair, reconversion, betterment, reconditioning, and disposal of government-owned merchant vessels; the maintenance of reserve fleets; the training of seagoing personnel; the procurement and disposal of real and personal property; the maintenance or operation of warehouses, marine terminals and reserve shipyards port development; and the rendering of office services. The Office of Maritime Operations has the following divisions: Division of General Services, Division of Maintenance and Repair, Division of Maritime Training, Division of Vessel Custody, and Division of Vessel Operations.

(i) The Office of Ship Construction is responsible for the conduct of activities of the Maritime Administration and the Federal Maritime Board relating to ship design and construction, and the rendering of technical direction to the Office of Maritime Operations with respect to the reconversion, betterment and reconditioning of Maritime Administration-owned vessels. The Office of Ship Construction has the following divisions: Division of Estimates, Division of Preliminary Design, Division of Production, and Division of Technical Development; and contains the Vessel Trial and Guarantee Survey Boards.

(j) The Office of the Comptroller is responsible for the accounting, auditing, and insurance activities of the Maritime Administration and the Federal Maritime Board. The Office of the Comptroller has the following divisions: Division of Accounts, Division of

Audits, Division of Credits and Collections, and Division of Insurance.

(k) The Offices of the Atlantic, Gulf, and Pacific Coast Directors are responsible for maintaining general surveillance over the management of field offices of the various organizational components located on their respective coasts.

6. *Filing of applications and other formal documents.* All applications and other formal documents required to be filed with either the Federal Maritime Board or the Maritime Administration shall be filed with the Secretary's Office, Federal Maritime Board.

NATIONAL SHIPPING AUTHORITY AND ADDITIONAL FUNCTIONS OF MARITIME ADMINISTRATOR

The following is a statement of the Department of Commerce, 16 F.R. 2642, 2643, Mar. 23, 1951, amending the statement of such Department set out in 16 F.R. 44 to 46, Jan. 3, 1951 (set out as a note above):

The statement of organization and functions of the Federal Maritime Board and the Maritime Administration issued in 16 F.R. 44 [set out as a note above] is amended by the addition of the following:

Establishment of the National Shipping Authority. There is established in the Maritime Administration a National Shipping Authority, headed by a Director responsible to the Maritime Administrator.

The National Shipping Authority shall perform such functions in connection with the formulation and execution of plans and programs for the operation, acquisition, and allocation of merchant vessels and such other duties as the Maritime Administrator, within the scope of his authority, may from time to time direct.

Functions of the Maritime Administrator. In addition to the functions contained in paragraph 5 of 16 F.R. 44, the Maritime Administrator shall perform the following functions:

(a) The functions conferred upon the Secretary of Commerce by Public Law 591, 81st Congress, 2d Session [46 U.S.C. note prec. 1, 883 note; 50 App. U.S.C. 1735 note, 1738, 1744];

(b) The functions conferred upon the Secretary of Commerce by Public Law 763, 81st Congress, 2d Session [46 U.S.C. 1281-1294], except that the authority "to find that insurance adequate to the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" is reserved to the Secretary;

(c) The functions conferred upon the Secretary by Public Law 911, 81st Congress, 2d Session [act Jan. 6, 1951, ch. 1213, 64 Stat. 1224];

(d) The functions conferred upon the Secretary by Reorganization Plan No. 21 of 1950 [set out above] to take action with respect to the determination of essential trade routes and services or subsequent modifications;

(e) The functions conferred upon the Secretary by Reorganization Plan No. 21 of 1950 to establish policies of general application for the purchase, acquisition, construction, charter, and sale of vessels and for the administration of programs concerning operating subsidies, reserve funds and transfers to foreign ownership or registry, and charters to foreigners.

The Maritime Administrator may redelegate to officers and employees of the Maritime Administration the performance of particular functions herein assigned to the Maritime Administrator.

Effect on other notices. All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under the notices appearing at 15 F.R. 8739 and 16 F.R. 1130 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

This notice amends the notice issued in 15 F.R. 3195, "Temporary Delegations of Authority under Reorganization Plan No. 21 of 1950."

Effective date. This notice is effective March 13, 1951.

APPOINTMENT OF PERSONNEL

The following is a legal opinion, in part, dated August 29, 1950, and prepared by the General Counsel of the Maritime Administration, with respect to the authority of the chairman of the Federal Maritime Board to make appointments of personnel under the Board and the extent of the authority of the Secretary of Commerce under Reorg. Plan No. 21 of 1950, set out above, as to such personnel:

Sec. 103 of Reorganization Plan 21 of 1950 [set out above] transferred to the Chairman of the Federal Maritime Board "all functions of the Chairman of the United States Maritime Commission (including his functions under the provisions of Reorganization Plan No. 6 of 1949 [set out above]) with respect to the functions transferred to the Board by the provisions of Sections 104 and 105" of Plan 21. Section 104 transferred to the Board the regulatory functions of the Maritime Commission and Section 105 transferred certain of the subsidy functions of the Commission, not including, however, the function of administering subsidy contracts.

Sec. 106 of Plan 21 provides for the status of the Board and of the Chairman and their relationship to the Secretary of Commerce. * * *.

In order to fully understand the intent of Plan 21, it is necessary to examine the status of the appointing authority of the Chairman of the Maritime Commission immediately prior to the transfer of functions under Plan 21. As set forth above, Section 103 of Plan 21 makes specific reference to the authority of the Chairman of the Commission under Plan 6 of 1949 as being transferred to the Chairman of the Board.

Reorganization Plan 6 was transmitted by the President to Congress on June 20, 1949. Its purpose as stated in the message of transmittal [set out in Appendix to Title 5, Government Organization and Employees] was "to strengthen the administration of the United States Maritime Commission by making the Chairman the chief executive and administrative officer of the Commission and *vesting in him responsibility for the appointment of its personnel* and the supervision and direction of their activities." (Emphasis supplied.)

Section 2 of Plan 6 transferred from the Commission to the Chairman certain functions including the appointment of personnel (exclusive of "personnel employed regularly and full time" in the offices of other members) with the proviso that the Chairman would consult with other members before appointing the heads of major administration units. Section 1 of Plan 6 provided that in exercising certain functions the Chairman should be guided by policies of the Commission. This section significantly excepted from such requirement the authority transferred to the Chairman under Section 2 including the appointive authority. Thus the appointive authority (excluding only personnel in offices of Commission members) was exclusively and, except for the proviso relating to heads of major units, unconditionally vested in the Chairman of the Commission until Plan 21 took effect.

Plan 21 transferred all the functions of the Commission and of the Chairman of the Commission. As stated above, some of these functions went to the Federal Maritime Board (Secs. 104, 105). Others were transferred to the Chairman of the Board (Sec. 103). Functions not otherwise transferred went to the Secretary of Commerce (Sec. 204).

The functions transferred to the Board and to the Chairman relate to regulatory authority (to be exercised independently) and subsidy functions (to be exercised subject to the guidance of general policies established by the Secretary of Commerce). As Section 103 transferring functions to the Chairman relating to these subjects makes specific reference to the authority of the Chairman of the Commission under Plan 6, which included the appointment of personnel, it appears evident that so much of the appointive power as relates to personnel performing these functions passed to the Chairman of the Board to be exercised by him independently as to personnel performing regulatory functions and subject to the injunction of Sec. 106 (to be guided by the policies of the Secretary of Commerce) as to personnel performing services in connection with the subsidy functions performed by the Board.

This conclusion is reinforced by reference to a decision of the Attorney General to the Secretary of Commerce, dated May 13, 1940, construing somewhat similar provisions in a reorganization plan transferring to the Department certain functions of the Civil Aeronautics Authority [Reorg. Plan No. IV of 1940, § 7, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234, set out in the Appendix to Title 5, Government Organization and Employees] * * *. Despite the specific mention of the personnel functions the Attorney General held that the appointive authority was in the Board. This decision was based upon reasoning recognizing the practical fact that independence in the exercise of the functions of the Board could not be achieved if the control of personnel and finances of the Board were in the Secretary of Commerce.

I have reached the conclusion that the appointive authority as to personnel engaged in regulatory and certain of the subsidy functions is vested in the Chairman, notwithstanding certain facts which might tend to indicate a different result.

Chief among these is the statement contained in the President's message transmitting Plan 21, as follows:

"In making the Chairman of the Federal Maritime Board the Maritime Administrator, the plan adopts an arrangement substantially similar to that which prevailed during the war, when the same individual served as Chairman of the Maritime Commission and head of the War Shipping Administration. This arrangement will have important advantages. It will facilitate cooperation between the Board and the Administration on matters of concern to both. Also, it will avoid dividing the personnel of the Maritime Commission, since the Chairman of the Board will supervise the personnel assisting it in the performance of its functions, as is now the case in the Maritime Commission, and in his capacity as Administrator he will have charge of the personnel carrying on the work of the Maritime Administration. The plan provides for the joint operation of the officers and employees under the Administrator and Chairman as a single body of personnel. The maintenance of a unified staff is essential for efficient and economical administration because many of the technical and professional personnel, such as ship designers and attorneys, now assist the Maritime Commission on problems of subsidy determination and also participate in the subsequent administration of subsidy agreements and in performing nonsubsidy functions.

"The inclusion of the new Board in the Department of Commerce will permit the use of the administrative services of the Department. More important, it will eliminate the necessity of splitting the personnel of the Maritime Commission between the Department and an outside agency. * * *".

A literal reading of portions of this statement might be used as a basis for argument that a single appointive authority was intended. This meaning cannot be given the statement, however, in view of the specific language of the Plan as previously discussed. It is more likely that the President had in mind the fact that the Plan seems to contemplate a delegation of authority from the Secretary to the Chairman-Administrator by providing in Sec. 204 that "The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by the Maritime Administrator of any function transferred to such Secretary by the provisions of this reorganization plan." Sec. 302 provides that the Chairman-Administrator shall make joint use of personnel.

Another argument against the conclusion stated could be based upon the fact that Plan 21 makes specific reference in transferring functions to the Board of certain titles and portions of the Merchant Marine Act, 1936, as amended [this chapter], without making any reference to Sec. 201(e) of that Act [subsec. (e) of this section] which is the source of the appointive authority formerly vested in the Commission. This argument fails, however, when consideration is given to the fact that immediately prior to Plan 21 this authority was vested not in the Commission but in the Chairman of the Commission under Plan 6 and is included in the specific reference to Plan 6.

It is clear that both Plan 21 and the President's transmittal message contemplate the use of personnel to perform dual functions for the Board and for the Administrator. It is equally clear that the Plan itself does not contain provisions vesting in a *single appointive authority* the power to establish such a group of personnel. It is evident, therefore, that the President contemplated that this objective be achieved by the Chairman's voluntarily utilizing the services of employees appointed under the authority of the Secretary to perform services in connection with Board functions and, in his capacity as Administrator, utilizing the services of employees employed by him under the direct grant of authority in the Plan to perform duties assigned to him by the Secretary. Thus the Plan, although directing the joint use of personnel, intends that result to be accomplished through the use of the administrative discretion granted the Chairman-Administrator by Section 302 of the Plan to be exercised in the interest of economy and efficiency, and does not vest exclusive appointing authority either in the Secretary or the Chairman-Administrator.

Cross References

Advertisements for proposals for purchases and contracts for supplies or services, see section 5 of Title 41, Public Contracts.

Section Referred to in Other Sections

This section is referred to in title 50 App. section 1745.

§ 1111a. Administrative expenses; limitations

After June 30, 1939, the Federal Maritime Commission and the Secretary of Transportation shall not incur any obligations for administrative expenses except pursuant to an annual appropriation specifically therefor or to authority to use appropriations or other funds otherwise available therefor.

(June 25, 1938, ch. 681, title I, 52 Stat. 1119; Aug. 6, 1981, Pub. L. 97-31, § 12(59), 95 Stat. 158.)

Codification

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

Amendments

1981—Pub. L. 97-31 substituted reference to the Federal Maritime Commission and the Secretary of Transportation for reference to the United States Maritime Commission. For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1112. Operation of property by Secretary

Notwithstanding any other provision of law, the Secretary of Transportation may, in accordance with good business methods and on such terms and conditions as he determines to effectuate the policy of this chapter, operate or lease any lands, docks, wharves, piers, or real property under his control, and all money received from such operation or lease shall be available for expenditure by the Secretary of Transportation as provided in this chapter. The Secretary of Transportation may, upon such terms and conditions as he may prescribe in accordance with sound business practice, make such extensions and accept such renewals of the notes and other evidences of indebtedness hereby transferred, and of the mortgages and other contracts securing the same, as he may deem necessary to carry out the objects of this chapter.

(June 29, 1936, ch. 858, title II, § 202, 49 Stat. 1986; Aug. 26, 1937, ch. 822, § 1, 50 Stat. 839; June 23, 1938, ch. 600, § 1, 52 Stat. 953; Aug. 6, 1981, Pub. L. 97-31, § 12(60), 95 Stat. 158.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission", wherever appearing, "he" for "it", and "his" for "its", and struck out provision relating to transfer of money, etc., to the United States Maritime Commission. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1938—Act June 23, 1938, permitted extensions and renewals of notes, other evidences of indebtedness, and mortgages.

1937—Act Aug. 26, 1937, permitted the operation or leasing of lands, docks, wharves, piers or real property.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1158 of this Appendix.

§ 1113. Omitted

Codification

Section, acts June 29, 1936, ch. 858, title II, § 203, 49 Stat. 1987; May 18, 1938, ch. 253, 52 Stat. 408, provided for dissolution and transfer of property of the United States Shipping Board Merchant Fleet Corporation, the disposition of pending suits and ratification of payments to employees.

§ 1114. Transfer of powers; rules and orders

(a) Transfer of functions, powers and duties

All the functions, powers, and duties vested in the former United States Shipping Board by the Shipping Act, 1916 [46 App. U.S.C. 801 et seq.], the Merchant Marine Act, 1920 [46 App. U.S.C. 861 et seq. and 911 et seq.], the Merchant Marine Act, 1928 [46 App. U.S.C. 891 et seq.], the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], and amendments to those Acts, and now vested in the Department of Commerce pursuant to section 12 of the President's Executive Order [No. 6166] of June 10, 1933, are hereby transferred to the Federal Maritime Commission and the Secretary of Transportation: *Provided, however*, That after June 29, 1936, no further construction loans shall be made under the provisions of section 11 of the Merchant Marine Act, 1920, as amended.

(b) Rules and regulations

The Commission and the Secretary of Transportation are authorized to adopt all necessary rules and regulations to carry out the powers, duties, and functions vested in them by this chapter.

(c) Enforcement of orders; penalties for violations

The orders issued by the Federal Maritime Commission and the Secretary of Transportation in the exercise of the powers transferred to them by this subchapter shall be enforced in the same manner as heretofore provided by law for enforcement of the orders issued by the former United States Shipping Board, and violation of such orders shall subject the person or corporation guilty of such violation to the same penalties or punishment as heretofore provided for violation of the orders of said Board.

(June 29, 1936, ch. 858, § 204, 49 Stat. 1987; June 23, 1938, ch. 600, § 41, 52 Stat. 964; Aug. 6, 1981, Pub. L. 97-31, § 12(61), 95 Stat. 158.)

References in Text

The Shipping Act, 1916, referred to in subsec. (a), is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

The Merchant Marine Act, 1920, referred to in subsec. (a), is act June 5, 1920, ch. 250, 41 Stat. 988, as amended, which is classified generally to chapters 24 and 25 (§§ 861 et seq. and 911 et seq.) of this Appendix. Section 11 of the Act was classified to section 870 of former Title 46, Shipping, and was repealed by act June 29, 1936, ch. 858, title IX, § 903(b), 49 Stat. 2016. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

The Merchant Marine Act, 1928, referred to in subsec. (a), is act May 22, 1928, ch. 675, 45 Stat. 689, as amended, which is classified principally to chapter 24A (§ 891 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 891x of this Appendix and Tables.

The Intercoastal Shipping Act, 1933, referred to in subsec. (a), is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

Executive Order No. 6166 of June 10, 1933, referred to in subsec. (a), is set out under section 901 of Title 5, Government Organization and Employees.

Amendments

1981—Subsec. (a). Pub. L. 97-31, § 12(61)(A), substituted "Federal Maritime Commission and the Secretary of Transportation" for "United States Maritime Commission". For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31, § 12(61)(B)-(D), inserted "and the Secretary of Transportation" after "Commission" and substituted "are authorized" for "is authorized" and "vested in them" for "vested in it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (c). Pub. L. 97-31, § 12(61)(A), (D), substituted "Federal Maritime Commission and the Secretary of Transportation" for "United States Maritime Commission" and "transferred to them" for "transferred to it". For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

1938—Subsec. (b). Act June 23, 1938, struck out provisions which authorized the President to transfer to the Interstate Commerce Commission any or all regulatory powers, duties and functions of the United States Maritime Commission.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 21 of 1950 and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1151, 1244 of this Appendix; title 50 App. section 1745.

§ 1115. Discrimination at ports by carriers by water against other carriers

Without limiting the power and authority otherwise vested in the Federal Maritime Commission and the Secretary of Transportation, it shall be unlawful for any common carrier by water, either directly or indirectly, through the medium of an agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any other such carrier from serving any port designed for the accommodation of ocean-going vessels located on any improvement project authorized by the Congress or through it by any other agency of the Federal Government, lying within the continental limits of the United States, at the same rates which it charges at the nearest port already regularly served by it.

(June 29, 1936, ch. 858, title II, § 205, 49 Stat. 1987; Aug. 6, 1981, Pub. L. 97-31, § 12(62), 95 Stat. 159.)

Amendments

1981—Pub. L. 97-31 substituted "Federal Maritime Commission and the Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Repeals

For effect of subtitle IV (§ 10101 et seq.) of Title 49, Transportation, see note set out preceding section 801 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1116. Construction fund

All sums of money now in the construction loan fund created by section 11 of the Merchant Marine Act, 1920, as amended, together with the proceeds of all debts, accounts, choses in action, and the proceeds of all notes, mortgages, and other evidences of indebtedness, hereby transferred to the Department of Transportation, and all of the proceeds of sales of ships and surplus property heretofore or hereafter made, including proceeds of notes or other evidences of debt taken therefor and the interest thereon, and, notwithstanding any other provision of law, all money representing amounts of unclaimed wages, salvage awards and miscellaneous unclaimed items carried as liabilities on the books of the former United States Shipping Board Merchant Fleet Corporation and all money heretofore or hereafter received from the operation or leasing of lands, docks, wharves, piers, or real property shall be deposited in the Treasury of the United States and there maintained as a revolving fund, herein designated as the construction fund, and shall be available for expenditure by the Secretary of Transportation in carrying out the provisions of this chapter. All moneys received by the Department of Transportation under the provisions of this chapter shall be deposited in its construction fund, and all disbursements made by the Secretary of Transportation under authority of this chapter shall be paid out of said fund, and, notwithstanding any other provision of law, all disbursements applicable to the money referred to in this section may be made by the Secretary of Transportation out of said fund. Further appropriations by Congress to replenish said fund are authorized.

(June 29, 1936, ch. 858, title II, § 206, 49 Stat. 1987; Aug. 26, 1937, ch. 822, § 2, 50 Stat. 839; Aug. 6, 1981, Pub. L. 97-31, § 12(63), 95 Stat. 159.)

References in Text

Section 11 of the Merchant Marine Act, 1920, as amended, referred to in text, was classified to section 870 of former Title 46, Shipping, and was repealed by act June 29, 1936, ch. 858, title IX, § 903(b), 49 Stat. 2016.

Amendments

1981—Pub. L. 97-31 substituted "Department of Transportation" for "Commission" in two places and "Secretary of Transportation" for "Commission" in three places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1937—Act Aug. 26, 1937, amended section generally.

Effective Date of 1937 Amendment

Amendment effective as of June 29, 1936, see section 4 of act Aug. 26, 1937.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Limitations on Construction Fund

Acts July 30, 1947, ch. 359, title I, § 101, 61 Stat. 603, and June 30, 1948, ch. 775, § 101, 62 Stat. 1199, which were the Independent Offices Appropriation Act, 1948, and The Supplemental Independent Offices Appropriation Act, 1949, respectively, placed limitations on obligations from the construction fund established by this section.

REDUCTION OF CONTRACT AUTHORIZATIONS

Act May 29, 1945, ch. 136, 59 Stat. 226, authorized the transfer out of the unexpended balance of appropriations made to the Maritime Commission under the head "Construction fund, United States Maritime Commission Act, June 24, 1936, revolving fund" up until May 29, 1945, of the sum of $3,100,000,000 to be carried to the surplus fund and be covered into the Treasury and reduced the contract authorization for ship construction and facilities incident by $4,265,000,000.

ADDITIONAL APPROPRIATIONS

Act Aug. 25, 1941, ch. 409, title III, 55 Stat. 682, appropriated an amount not to exceed $1,296,650,000 to enable the Commission to enter into further contracts for the construction of vessels, production and procurement of parts, equipment, plants, etc.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1116a, 1242 of this Appendix.

§ 1116a. Application to obligations against emergency ship construction fund

On and after March 22, 1947, the construction fund established by section 1116 of this Appendix shall be available for the payment of obligations previously incurred against the emergency ship construction fund.

(Mar. 22, 1947, ch. 20, title II, § 201, 61 Stat. 17; 1950 Reorg. Plan No. 21, § 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1277.)

CODIFICATION

Words "United States Maritime Commission" preceding "construction fund" were deleted and words "established by section 1116 of this Appendix" were inserted following "construction fund" on authority of Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

Section was enacted as part of act Mar. 22, 1947, popularly known as the Urgent Deficiency Appropriation Act, 1947, and not as part of the Merchant Marine Act, 1936, which comprises this chapter.

§ 1117. Power to contract; audit of accounts; reports of Comptroller General

The Federal Maritime Commission and the Secretary of Transportation may enter into such contracts, upon behalf of the United States, and may make such disbursements as may, in its or his discretion, be necessary to carry on the activities authorized by this chapter, or to protect, preserve, or improve the collateral held by the Commission or Secretary to secure indebtedness, in the same manner that a private corporation may contract within the scope of the authority conferred by its charter. All the Commission's and Secretary's financial transactions shall be audited in the General Accounting Office according to approved commercial practice as provided in the Act of March 20, 1922 (42 Stat. 444): *Provided,* That it shall be recognized that, because of the business activities authorized by this chapter, the accounting officers shall allow credit for all expenditures shown to be necessary because of the nature of such authorized activities, notwithstanding any existing statutory provision to the contrary. The Comptroller General shall report annually or oftener to Congress any departure by the Commission or Secretary from the provisions of this chapter.

(June 29, 1936, ch. 858, title II, § 207, 49 Stat. 1988; June 23, 1938, ch. 600, § 2, 52 Stat. 954; Aug. 6, 1981, Pub. L. 97-31, § 12(64), 95 Stat. 159.)

REFERENCES IN TEXT

Act of March 20, 1922, ch. 104, 42 Stat. 444, referred to in text, is not classified to the Code.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Federal Maritime Commission and the Secretary of Transportation" for "Commission" first time it appeared, and inserted "or his" after "its", "or Secretary" after "Commission" and "and Secretary's" after "Commission's". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1938—Act June 23, 1938, authorized disbursements, and provided for the protection, preservation, or improvement of collateral held to secure indebtedness.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

CROSS REFERENCES

Advertisements for proposals for purchases and contracts for supplies or services, see section 5 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 1745.

§ 1118. Reports to Congress

The Federal Maritime Commission and the Secretary of Transportation shall, by April 1 each year, make a report to Congress, which shall include the results of its or his investigations, a summary of its or his transactions, its or his recommendations for legislation, a statement of all receipts under this chapter, and the purposes for which all expenditures were made.

(June 29, 1936, ch. 858, title II, § 208, 49 Stat. 1988; Apr. 21, 1976, Pub. L. 94-273, § 36, 90 Stat. 380; Aug. 6, 1981, Pub. L. 97-31, § 12(65), 95 Stat. 159.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Federal Maritime Commission and the Secretary of Transportation" for "Commission" and inserted "or his" after "its" in three places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1976—Pub. L. 94-273 substituted "by April 1 each year" for "at the beginning of each regular session".

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1213, 1222 of this Appendix.

§ 1119. Authorization of appropriations

(a) Except as provided in subsection (b) of this section, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(b) Notwithstanding any other provision of this chapter or any other law, there are authorized to be appropriated after December 31, 1967, for the use of the Maritime Administration for—

(1) acquisition, construction, or reconstruction of vessels;

(2) construction-differential subsidy incident to the construction, reconstruction, or reconditioning of ships;

(3) cost of national defense features;

(4) payment of obligations incurred for operating-differential subsidy;

(5) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations);

(6) reserve fleet expenses;

(7) maritime training at the Merchant Marine Academy at Kings Point, New York;

(8) financial assistance to State maritime academies under section 1295c of this Appendix;

(9) the Vessel Operations Revolving Fund;

(10) expenses necessary for additional training provided under section 1295d of this Appendix;

(10)[1] expenses necessary to carry out subchapter XIII of this chapter; and

(11) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, or general administration;

only such sums as the Congress may specifically authorize by law: *Provided, however,* That the Congress finds and declares that the national policy set forth in section 1101 of this Appendix requires that there should be authorized and appropriated for fiscal years 1971 through 1980 such sums as may be necessary to construct 300 ships of such sizes, types and designs as the Secretary of Transportation may consider best suited to carry out the purposes and policy of this chapter.

(June 29, 1936, ch. 858, title II, § 209, 49 Stat. 1988; Aug. 26, 1937, ch. 822, § 3, 50 Stat. 839; Sept. 5, 1967, Pub. L. 90-81, 81 Stat. 193; Oct. 21, 1970, Pub. L. 91-469, § 2, 84 Stat. 1018; Nov. 12, 1977, Pub. L. 95-173, § 6(a), 91 Stat. 1360; Oct. 7, 1980, Pub. L. 96-387, § 4, 94 Stat. 1546; Oct. 15, 1980, Pub. L. 96-453, § 3(a), 94 Stat. 2008; Aug. 6, 1981, Pub. L. 97-31, § 12(66), 95 Stat. 159.)

CODIFICATION

Subsec. (c) of this section, which related to availability, for all objects of expenditure under this chapter, of all appropriations and unexpended balances of appropriations in connection with then existing ocean-mail contracts entered into under sections 891e to 891r of former Title 46, Shipping, in connection with which the powers and duties with respect thereto had been transferred from the Postmaster General to the United States Maritime Commission by section 1144 of this Appendix, was omitted.

Subsec. (d) of this section, which made funds available under former subsection (b) available for expenditures authorized by former United States Maritime Commission under former provisions in section 1111 of this Appendix, as soon as a majority of the members of the United States Maritime Commission had taken the oath of office, notwithstanding section 1246 of this Appendix, was omitted.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

1980—Subsec. (b). Pub. L. 96-453, which directed that pars. (7) and (9) be amended, that par. (10), relating to other operations and training expenses, be redesignated as (11), and that a par. (10), relating to expenses necessary to carry out subchapter XIII of this chapter, be added, was executed by amending pars. (8) and (10), set out first, and adding a par. (10), set out second, as the probable intent of Congress, in view of the prior redesignation of par. (7) as (8), par. (9) as (10), set out first and (10) as (11) by Pub. L. 96-387. The amendment substituted in par. (8) "State maritime academies under section 1295c of this Appendix" for "State Marine Schools" and in par. (10) "for additional training provided under section 1295d" for "for extension and correspondence courses authorized under section 1126(c)" and added a par. (10), relating to expenses necessary to carry out subchapter XIII of this chapter.

Pub. L. 96-387 struck out in par. (2) "and cost of national defense features" after "subsidy", added par. (3), and redesignated former pars. (3) to (10) as (4) to (11), respectively.

1977—Subsec. (b). Pub. L. 95-173 added pars. (9) and (10).

1970—Subsec. (b). Pub. L. 91-469 authorized appropriations for construction of 300 ships for fiscal years 1971 through 1980.

1967—Subsec. (a). Pub. L. 90-81 inserted "Except as provided in subsection (b) of this section" at beginning of subsec.

Subsec. (b). Pub. L. 90-81 added subsec. (b). A prior subsec. (b), making available to the United States Maritime Commission all appropriations and unexpended balances of the United States Shipping Board Bureau and the United States Shipping Board Merchant Fleet Corporation, had been eliminated as executed and obsolete.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-453 effective Oct. 1, 1981, see section 4 of Pub. L. 96-453, set out as an Effective Date note under section 1295 of this Appendix.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 6(b) of Pub. L. 95-173 provided that: "The amendment made by subsection (a) of this section [amending this section] shall be effective for fiscal years beginning after September 30, 1978."

CROSS REFERENCES

Application of construction fund to obligations against the emergency ship construction fund, see section 1116a of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 1745.

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[1] So in original. Pub. L. 96-453 added the second par. (10).

§§ 1119a, 1119b. Omitted

Codification

Section 1119a, act Feb. 6, 1941, ch. 5, § 1, 55 Stat. 5, 1950 Reorg. Plan No. 21, §§ 204, 305, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276, 1277, appropriated $313,500,000 to provide cargo ships, added such sum to $500,000 and $36,000,000 previously allocated to create the "Emergency Ship Construction Fund, Department of Commerce" for: (1) the construction in the United States of ocean-going cargo vessels, (2) the production of parts for such ships, (3) the acquisition and management of facilities for such construction or production and for maintenance of the ships, and (4) the administrative expenses of the program, prohibited payment of salary and wages to persons advocating the violent overthrow of the Government, provided that an affidavit denying such advocacy be deemed prima facie evidence, made acceptance of salary or wages by a person advocating such overthrow a felony punishable by a fine up to $1,000 or imprisonment for not more than one year, or both, and provided that such penalty be additional to, and not in lieu of, existing law.

Section 1119b, acts Feb. 6, 1941, ch. 5, § 2, 55 Stat. 6; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276, 1277; Oct. 31, 1951, ch. 654, § 3(12), 65 Stat. 708, which made section 1117 of this Appendix and the act of Oct. 10, 1940, ch. 838, 54 Stat. 1092 applicable to all functions of the Secretary of Commerce under section 1119a of this Appendix, authorized the Secretary to perform his functions under such section 1119a without regard to section 733 of Title 33, Navigation and Navigable waters, section 529 of former Title 31, Money and Finance, section 5 of Title 41, Public Contracts, section 7 of Act May 27, 1930, ch. 340, 46 Stat. 391, sections 270a to 270d and 303b of Title 40, Public Buildings, Property, and Works, was omitted in view of the omission of section 1119a of this Appendix.

Additional Appropriations

Act Aug. 25, 1941, ch. 409, title III, 55 Stat. 682, appropriated an amount not to exceed $1,296,650,000 to enable the Commission to enter into further contracts for the construction of vessels, production and procurement of parts, equipment, plants, etc.

§ 1120. Survey of existing merchant marine for creation of adequate American-owned fleet

It shall be the duty of the Secretary of Transportation to make a survey of the American merchant marine, as it now exists, to determine what additions and replacements are required to carry forward the national policy declared in section 1101 of this Appendix, and the Secretary of Transportation is directed to study, perfect, and adopt a long-range program for replacements and additions to the American merchant marine so that as soon as practicable the following objectives may be accomplished:

First, the creation of an adequate and well-balanced merchant fleet, including vessels of all types, to provide shipping service essential for maintaining the flow of the foreign commerce of the United States, the vessels in such fleet to be so designed as to be readily and quickly convertible into transport and supply vessels in a time of national emergency. In planning the development of such a fleet the Secretary of Transportation is directed to cooperate closely with the Navy Department as to national-defense needs and the possible speedy adaptation of the merchant fleet to national-defense requirements.

Second, the ownership and the operation of such a merchant fleet by citizens of the United States insofar as may be practicable.

Third, the planning of vessels designed to afford the best and most complete protection for passengers and crew against fire and all marine perils.

Fourth, the creation and maintenance of efficient shipbuilding and repair capacity in the United States with adequate numbers of skilled personnel to provide an adequate mobilization base.

(June 29, 1936, ch. 858, title II, § 210, 49 Stat. 1989; Oct. 21, 1970, Pub. L. 91-469, §§ 3, 35(a), 84 Stat. 1018, 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(67), 95 Stat. 159.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469, § 35(a), substituted "Secretary of Commerce" for "Commission", twice in introductory par. and once in par. "First".

Par. First. Pub. L. 91-469, § 3(1), struck out "on all routes" after "shipping service".

Par. Fourth. Pub. L. 91-469, § 3(2), added par. "Fourth".

Commission on Merchant Marine and Defense

Pub. L. 98-525, title XV, § 1536, Oct. 19, 1984, 98 Stat. 2633, as amended by Pub. L. 99-145, title XIV, § 1431, Nov. 8, 1985, 99 Stat. 754, provided that:

"(a) There is hereby established a commission to be known as the Commission on Merchant Marine and Defense (hereinafter in this section referred to as the 'Commission').

"(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States to meet the needs of naval and merchant ship construction in time of war or national emergency. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be provided in the reports of the Commission due 12 months after the date of the enactment of the law first providing funds for the Commission and 24 months after such date, under subsection (g).

"(c)(1) The Commission shall be composed of seven members, as follows:

"(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

"(B) The Administrator of the Maritime Administration (or his delegate).

"(C) Five members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding and its supporting industrial base, maritime labor, and defense matters are particularly suited to serve on the Commission.

"(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such paragraph shall be appointed for the life of the Commission.

"(3) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the chairman.

"(d) Members of the Commission appointed under subsection (c)(1)(C) may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

"(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

"(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

"(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

"(g) Not later than nine months after the date of the enactment of the law first providing funds for the Commission and not later than 21 months after such date, the Commission shall submit to the President and to Congress a report containing its findings of fact and its conclusions. Not later than 12 months after such date of enactment and not later than 24 months after such date of enactment, the Commission, based upon those findings and conclusions, shall prepare a report containing the recommendations of the Commission as specified in subsection (b) and shall submit the report to the President and Congress. Each such report shall be prepared without any prior review or approval by any official of the executive branch (other than the members and staff of the Commission).

"(h) The Commission shall cease to exist 90 days after the date on which the final report of the Commission under subsection (g) is submitted to the President and the Congress.

"(i) There is authorized to be appropriated for fiscal years 1985, 1986, and 1987, a total of $1,500,000 to carry out this section. Any amount appropriated under this subsection shall remain available until September 30, 1988."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1191 of this Appendix.

§ 1121. Investigations, studies, records, etc.

The Secretary of Transportation is authorized and directed to investigate, determine, and keep current records of—

(a) Suitable ocean routes and lines to foreign ports; vessels and costs of operation

The ocean services, routes, and lines from ports in the United States, or in a Territory, district, or possession thereof, to foreign markets, which are, or may be, determined by the Secretary of Transportation to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States, and in reaching his determination the Secretary of Transportation shall consider and give due weight to the cost of maintaining each of such steamship lines, the probability that any such line cannot be maintained except at a heavy loss disproportionate to the benefit accruing to foreign trade, the number of sailings and types of vessels that should be employed in such lines, and any other facts and conditions that a prudent business man would consider when dealing with his own business, with the added consideration, however, of the intangible benefit the maintenance of any such line may afford to the foreign commerce of the United States, to the national defense, and to other national requirements;

(b) Bulk cargo carrying services

The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels whether or not operating on particular services, routes, or lines;

(c) Vessels required in proposed routes

The type, size, speed, method of propulsion, and other requirements of the vessels, including express-liner or super-liner vessels, which should be employed in such services or on such routes or lines, and the frequency and regularity of the sailings of such vessels, with a view to furnishing adequate, regular, certain, and permanent service, or which should be employed to provide the bulk cargo carrying services necessary to the promotion, maintenance, and expansion of the foreign commerce of the United States and its national defense or other national requirements whether or not such vessels operate on a particular service, route, or line;

(d) Cost of construction in United States and abroad

The relative cost of construction of comparable vessels in the United States and in foreign countries;

(e) Relative cost of operation under laws of United States and foreign countries

The relative cost of marine insurance, maintenance, repairs, wages and subsistence of officers and crews, and all other items of expense, in the operation of comparable vessels under the laws, rules, and regulations of the United States and under those of the foreign countries whose vessels are substantial competitors of any such American vessel;

(f) Foreign subsidies

The extent and character of the governmental aid and subsidies granted by foreign governments to their merchant marine;

(g) Shipyards

The number, location, and efficiency of the shipyards existing on June 29, 1936, or thereafter built in the United States;

(h) Laws applicable to aircraft

To investigate and determine what provisions of this chapter and other Acts relating to shipping should be made applicable to aircraft engaged in foreign commerce in order to further the policy expressed in this chapter, and to recommend appropriate legislation to this end;

(i) Transportation to foreign ports of cotton, coal, lumber, and cement

The advisability of enactment of suitable legislation authorizing the Secretary of Transportation in an economic or commercial emergency, to aid the farmers and cotton, coal, lumber, and cement producers in any section of the United States in the transportation and landing of their products in any foreign port, which products can be carried in dry-cargo vessels by reducing rates, by supplying additional tonnage to any American operator, or by operation of vessels directly by the Secretary of Transportation, until such time as the Secretary of Transportation shall deem such special rate reduction and operation unnecessary for the benefit of the American farmers and such producers; and

(j) New designs of vessels; intercoastal and inland water transportation

New designs, new methods of construction, and new types of equipment for vessels; the possibilities of promoting the carrying of American foreign trade in American vessels; and intercoastal and inland water transportation, including their relation to transportation by land and air.

(June 29, 1936, ch. 858, title II, § 211, 49 Stat. 1989; Oct. 21, 1970, Pub. L. 91-469, §§ 4, 5, 35(a), (b), 84 Stat. 1018, 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(67), 95 Stat. 159.)

AMENDMENTS

1981—Pub. L. 97-31 in introductory material and subsecs. (a) and (i) substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469, § 35(a), substituted "Secretary of Commerce" for "Commission", once in introductory par., twice in subsec. (a), and thrice in subsec. (i).

Subsec. (a). Pub. L. 91-469, §§ 4(1), 35(b), required consideration of the benefit the maintenance of any steamship line may afford to other national requirements and substituted "his" for "its" before "determination", respectively.

Subsec. (b). Pub. L. 91-469, § 4(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 91-649, § 4(2), (4), (5), redesignated former subsec. (b) as (c), inserted "method of propulsion" after "speed", and required that the various requirements of the vessels should be employed to provide bulk cargo carrying services, necessary to the promotion, maintenance, and expansion of the foreign commerce of the United States and its national defense or other national requirements whether or not such vessels operate on a particular service, route, or line, respectively. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 91-469, § 4(2), redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 91-469, §§ 4(2), 5, redesignated former subsec. (d) as (e) and struck out "in particular services, routes, and lines" after "comparable vessels" and substituted "American vessel" for "American service route, or line", respectively. Former subsec. (e) redesignated (f).

Subsecs. (f) to (j). Pub. L. 91-469, § 4(2), redesignated former subsecs. (e) to (i) as (f) to (j), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1125, 1171, 1173, 1204, 1213, 1222 of this Appendix.

§ 1121-1. Priority loading for vessels engaged in coastwise transportation of coal; exception, report to Congress

Notwithstanding any other provisions of law, any vessel engaged in the coastwise transportation of coal produced in the United States, from a port in the United States to another port in the United States, shall until June 30, 1987, have the priority to load at any such ports ahead of any waiting vessels engaged in the export trade of coal produced in the United States: *Provided*, That, the Secretary of Transportation may, if he determines that it is in the national interest, eliminate priority loading, as provided herein, at any such port or ports, and to report such action to the Congress within 30 days.

(Pub. L. 96-387, § 5, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 97-31, § 12(68), Aug. 6, 1981, 95 Stat. 159.)

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

§ 1122. Maritime problems; cooperation with others; cargo carriage; recommendations

The Secretary of Transportation is authorized and directed—

(a) Study of maritime problems

To study all maritime problems arising in the carrying out of the policy set forth in subchapter I of this chapter;

(b) Inducing preferences for American vessels; construction of super-liners

To study, and to cooperate with vessel owners in devising means by which—

(1) the importers and exporters of the United States can be induced to give preference to vessels under United States registry; and

(2) there may be constructed by or with the aid of the United States express-liner or super-liner vessels comparable with those of other nations, especially with a view to their use in national emergency, and the use in connection with or in lieu of such vessels of transoceanic aircraft service;

(c) Collaboration with owners and builders

To collaborate with vessel owners and shipbuilders in developing plans for the economical construction of vessels and their propelling machinery, of most modern economical types, giving thorough consideration to all well-recognized means of propulsion and taking into account the benefits accruing from standardized production where practicable and desirable; and

(d) Liaison with other agencies and trade organizations

To establish and maintain liaison with such other boards, commissions, independent establishments, and departments of the United States Government, and with such representative trade organizations throughout the United States as may be concerned, directly or indirectly, with any movement of commodities in the water-borne export and import foreign commerce of the United States, for the purpose of securing preference to vessels of United States registry in the shipment of such commodities.

(e) Repealed. Pub. L. 98–237, § 20(a), Mar. 20, 1984, 98 Stat. 88

(f) Development and implementation of new methods of cargo carriage; preferences for cargo containers

To study means and methods of encouraging the development and implementation of new concepts for the carriage of cargo in the domestic and foreign commerce of the United States, and to study the economic and technological aspects of the use of cargo containers as a method of carrying out the declaration of policy set forth in subchapter I of this chapter, and in carrying out the provisions of this subsection and such policy the United States shall not give preference as between carriers upon the basis of length, height, or width of cargo containers or length, height, or width of cargo container cells and this requirement shall be applicable to all existing container vessels and any container vessel to be constructed or rebuilt; and

(g) Recommendations for further legislation

To make recommendations to Congress, from time to time, for such further legislation as he deems necessary better to effectuate the purpose and policy of this chapter.

(June 29, 1936, ch. 858, title II, § 212, 49 Stat. 1990; Mar. 16, 1968, Pub. L. 90–268, § 1, 82 Stat. 49; Aug. 6, 1981, Pub. L. 97-31, § 12(69), 95 Stat. 159; Mar. 20, 1984, Pub. L. 98–237, § 20(a), (c), 98 Stat. 88, 90.)

Amendments

1984—Subsec. (e). Pub. L. 98–237, § 20(a), struck out subsec. (e) which had related to the investigation of any and all discriminatory rates, charges, classifications, and practices whereby exporters and shippers of cargo originating in the United States are required by any common carrier by water in the foreign trade of the United States to pay a higher rate from any United States port to a foreign port than the rate charged by such carrier on similar cargo from such foreign port to such United States port, and the making of recommendations to Congress of measures by which such discrimination could be corrected. See section 1710 of this Appendix.

Pub. L. 98-237, § 20(c), struck out undesignated pars. following subsec. (d), "The Federal Maritime Commission is authorized and directed—" and following subsec. (e), "The Secretary of Transportation, is authorized and directed—".

1981—Pub. L. 97-31 substituted in provision preceding subsec. (a) "Secretary of Transportation" for "Commission"; inserted, following subsec. (d), "The Federal Maritime Commission is authorized and directed—"; inserted, following subsec. (e), "The Secretary of Transportation, is authorized and directed—"; and substituted, in subsec. (g), "he" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1968—Subsecs. (f), (g). Pub. L. 90–268 added subsec. (f) and redesignated former subsec. (f) as (g).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98–237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98–237, set out as an Effective Date note under section 1701 of this Appendix.

Savings Provision

Amendment by Pub. L. 98–237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1122a. Vessel utilization and performance reports; filing; civil penalty; lien upon vessel; remission or mitigation of penalty

The operator of a vessel in waterborne foreign commerce of the United States shall file at such times and in such manner as the Secretary of Transportation may prescribe by regulations, such report, account, record, or memorandum relating to the utilization and performance of such vessel in commerce of the United States, as the Secretary may determine to be necessary or desirable in order to carry out the purposes and provisions of this chapter. Such report, account, record, or memorandum shall be signed and verified in accordance with regulations prescribed by the Secretary. An operator who does not file the report, account, record, or memorandum as required by this section and the regulations issued hereunder, shall be liable to the United States in a penalty of $50 for each day of such violation. The amount of any penalty imposed for any violation of this section upon the operator of any vessel shall constitute a lien upon the vessel involved in the violation, and such vessel may be libeled therefor in the district court of the United States for the district in which it may be found. The Secretary of Transportation may, in his discretion, remit or mitigate any penalty imposed under this section on such terms as he may deem proper.

(June 29, 1936, ch. 858, title II, § 212(A), as added June 25, 1956, ch. 437, 70 Stat. 332; Aug. 6, 1981, Pub. L. 97-31, § 12(70), 95 Stat. 159.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 2306.

§ 1122b. Mobile trade fairs

(a) Use of United States flag vessels and aircraft insofar as practicable

The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs which are designed to show and sell the products of United States business and agriculture at foreign ports and at other commercial centers throughout the world where the operator or operators of the mobile trade fairs use insofar as practicable United States flag vessels and aircraft in the transportation of their exhibits.

(b) Technical and financial assistance; exceptions

The Secretary of Commerce is authorized to provide to the operator or operators of such mobile trade fairs technical assistance and support as well as financial assistance for the purpose of defraying certain expenses incurred abroad (other than the cost of transportation on foreign-flag vessels and aircraft), when the Secretary determines that such operations provide an economical and effective means of promoting export sales.

(c) Authorization of appropriations; use of foreign currencies

There is authorized to be appropriated not to exceed $500,000 per fiscal year for each of the six fiscal years during the period beginning July 1, 1962, and ending June 30, 1968, and not to exceed $166,000 for the fiscal year ending June 30, 1969. In addition to such appropriated sums, the President shall make maximum use of foreign currencies owned by or owed to the United States to carry out the purposes of this section.

(d) Report to Congress

The Secretary of Commerce shall submit annually to the Congress a report on his activities under this chapter.

(June 29, 1936, ch. 858, title II, § 212(B), as added Oct. 18, 1962, Pub. L. 87-839, § 1, 76 Stat. 1074, and amended July 7, 1965, Pub. L. 89-66, 79 Stat. 211; July 27, 1968, Pub. L. 90-434, 82 Stat. 449.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-434 substituted "use insofar as practicable" for "exclusively use".

Subsec. (b). Pub. L. 90-434 added "(other than the cost of transportation on foreign-flag vessels and aircraft)," after "expenses incurred abroad".

Subsec. (c). Pub. L. 90-434 authorized appropriation of not to exceed $166,000 for the fiscal year ending June 30, 1969.

1965—Subsec. (c). Pub. L. 89-66 substituted "six" and "June 30, 1968" for "three" and "June 30, 1965", respectively.

§ 1123. Obsolete tonnage; tramp service; relative costs at yards

The Secretary of Transportation shall make studies of and make reports to Congress on—

(a) Removal of obsolete tonnage

The scrapping or removal from service of old or obsolete merchant tonnage owned by the United States or in use in the merchant marine;

(b) Tramp shipping; participation in by Americans

Tramp shipping service and the advisability of citizens of the United States participating in such service with vessels under United States registry.

(c) Relative cost of construction at different yards; equalization

The relative cost of construction or reconditioning of comparable ocean vessels in shipyards in the various coastal districts of the United States, together with recommendations as to how such shipyards may compete for work on an equalized basis; reports under this paragraph shall be made annually on the first day of October of each year.

(June 29, 1936, ch. 858, title II, § 213, 49 Stat. 1991; Oct. 24, 1962, Pub. L. 87-877, § 2(c), (d), 76 Stat. 1201; Apr. 21, 1976, Pub. L. 94-273, § 27, 90 Stat. 380; Aug. 6, 1981, Pub. L. 97-31, § 12(71), 95 Stat. 159.)

AMENDMENTS

1981—Pub. L. 97-31 substituted in provision preceding subsec. (a) "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1976—Subsec. (c). Pub. L. 94-273 substituted "October" for "July".

1962—Pub. L. 87-877 substituted "reports to Congress" for "a report to Congress as soon as practicable on", in text preceding subsec. (a), and inserted "; reports under this paragraph shall be made annually on the first day of July of each year" in subsec. (c).

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

§ 1124. Witnesses

(a) Summoning; oaths; production of books and papers; fees

For the purpose of any investigation which, in the opinion of the Secretary of Transportation, is necessary and proper in carrying out this chapter, the Secretary may subpoena witnesses, administer oaths and affirmations, take evidence, and require the production of books, papers, or other documents that are relevant to the matter under investigation. The attendance of witnesses and the production of books, papers, or other documents may be required from any place in the United States or any territory, district, or possession thereof at any designated place of hearing. Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) Refusal to obey subpena; court orders; contempt

Upon failure of any person to obey a subpoena issued by the Secretary, the Secretary may invoke the aid of any district court of the United States within the jurisdiction in which the person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring the person to appear before the Secretary, or an employee designated by the Secretary, there to produce books, papers, or other documents, if so ordered, or to give testimony relevant to the matter under investigation. A failure to obey an order of the court may be punished by the court as a contempt thereof. Process in such a case may be served in the judicial district in which the person resides or may be found.

(June 29, 1936, ch. 858, title II, § 214, 49 Stat., 1991; June 23, 1938, ch. 600, § 3, 52 Stat. 954; Oct. 15, 1970, Pub. L. 91-452, title II, § 241, 84 Stat. 930; Aug. 6, 1981, Pub. L. 97-31, § 12(72), 95 Stat. 159; Mar. 20, 1984, Pub. L. 98-237, § 20(a), 98 Stat. 89; Oct. 30, 1984, Pub. L. 98-595, § 2, 98 Stat. 3132.)

AMENDMENTS

1984—Pub. L. 98-595 amended section generally, striking out in subsec. (a) "the Federal Maritime Commission or" before "the Secretary of Transportation", "any member of the Commission, or any officer or employee thereof designated by it or" before "the Secretary", and "the Commission or" before "the Secretary shall be paid", and in subsec. (b), striking out "the Commission or" before "the Secretary," substituting "the Secretary" for "it or he", and striking out "the Commission or" before "the Secretary" in two places.

Pub. L. 98-237 provided that this section is repealed wherever it applies to the Federal Maritime Commission, any member of the Commission, or any member, officer, or employee designated by the Commission. See Amendment note above for Pub. L. 98-595.

1981—Subsec. (a). Pub. L. 97-31, § 12(72)(A)-(C), substituted "Federal Maritime Commission or the Secretary of Transportation" for "Commission"; inserted "or the Secretary," after "designated by it," and "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31, § 12(72)(C), (D), inserted "or the Secretary," after "Commission" in three places and substituted "it or he" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1970—Subsec. (c). Pub. L. 91-452 struck out subsec. (c) which related to the immunity from prosecution of any person compelled to testify or produce evidence, document or otherwise, after claiming his privilege against self-incrimination.

1938—Subsec. (a). Act June 23, 1938, struck out "within the Federal judicial district in which the witness resides" after "place of hearing".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-237 effective 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of Title 18, Crimes and Criminal Procedure.

SAVINGS PROVISION

Amendment by Pub. L. 98-237 not to affect suits filed before Mar. 20, 1984, or claims arising out of conduct engaged in before Mar. 20, 1984, and filed within 1 year after that date; and agreements, contracts, modifications, and exemptions approved or licenses issued by the Federal Maritime Commission prior to Mar. 20, 1984, to continue as if approved or issued under chapter 36 (§ 1701 et seq.) of this Appendix, but new agreements, contracts, and modifications to existing, pending, or new contracts or agreements to be considered under chapter 36 of this Appendix, see section 1719 of this Appendix.

Amendment by Pub. L. 91-452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out in as an Effective Date; Savings Provision note under section 6001 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

§ 1125. Acquisition of vessels

The Secretary of Transportation is authorized to acquire by purchase or otherwise such vessels constructed in the United States as he may deem necessary to establish, maintain, improve, or effect replacements upon any service, route, or line in the foreign commerce of the United States determined to be essential under section 1121 of this Appendix, and to pay for the same out of his construction fund: *Provided*, That the price paid therefor shall be based upon a fair and reasonable valuation, but it shall not exceed by more than 5 per centum the cost of such vessel to the owner (excluding any construction-differential subsidy and the cost of national defense features paid by the Secretary of Transportation) plus the actual cost previously expended thereon for reconditioning less depreciation based upon a twenty-five year life expectancy of the vessel. No such vessel shall be acquired by the Secretary of Transportation unless the Secretary of the Navy has certified to the Secretary of Transportation that such vessel is suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for the use of the United States in time of war or national emergency. Every vessel acquired under authority of this section that is not documented under the laws of the United States at the time of its acquisition shall be so documented as soon as practicable.

(June 29, 1936, ch. 858, title II, § 215, as added June 23, 1938, ch. 600, § 4, 52 Stat. 954, and amended June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(73), 95 Stat. 160.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" wherever appearing, "his" for "it", and "his" for "its" in first sentence. In first sentence after "United States as", "he" (rather than "his") was substituted for "it" as the probable intent of Congress. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Pub. L. 86-518 substituted "twenty-five year life expectancy" for "twenty-year life expectancy".

Effective Date of 1960 Amendment

Section 8(a) of Pub. L. 86-518 provided that: "The amendments made by this Act [amending sections 1125, 1152, 1153, 1156, 1157, 1159, 1160, 1175, 1177, 1181, 1195, 1204, 1274, and 1276 of this Appendix, section 1276a of former Title 46, Shipping, and section 1737 of Title 50, Appendix, War and National Defense] shall apply only to vessels delivered by the shipbuilder on or after January 1, 1946, and with respect to such vessels shall become effective on January 1, 1960. With respect to vessels delivered by the shipbuilder before January 1, 1946, the provisions of the Merchant Marine Act, 1936 [this chapter], existing immediately before the date of enactment of this Act [June 12, 1960] shall continue in effect."

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

Rate of Depreciation for Vessels Delivered by Shipbuilder on or After January 1, 1946, and Before January 1, 1960

Section 8(b) of Pub. L. 86-518 provided that with regard to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, depreciation under this section and sections 1152(g), 1157, 1160(d), 1177(b), 1181(c), 1195, and 1204 of this Appendix and section 1276a(4) of former Title 46, Shipping, was generally to be taken for the period prior to Jan. 1, 1960, at the rate provided by this chapter, as it existed immediately prior to the amendments made by Pub. L. 86-518, and for the period after Jan. 1, 1960, such depreciation was generally to be taken on the basis of the remaining years of a useful life of twenty-five years unless the vessel was reconstructed or reconditioned in which event such depreciation, from the time of such reconstruction or reconditioning, was generally to be taken on the basis of the remaining years of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960; Amendment of Contract Dealing With Vessels Having Extended Life

Section 8(c) of Pub. L. 86-518, as amended by Pub. L. 88-225, Dec. 23, 1963, 77 Stat. 469, provided that any contract, commitment to insure a mortgage under subchapter XI of this chapter, or mortgage, between any person and the United States or any agency thereof, or any mortgage insurance contract under subchapter XI of this chapter, which was entered into prior to June 12, 1960 and which would have been affected if the provisions of the amendments made by Pub. L. 86-518 [see Effective Date of 1960 Amendment note above] were applicable thereto, could, at the request of such person agreed to by any third parties in interest, or at the request of the mortgagor agreed to by the mortgagee in the case of such a mortgage insurance contract, made within one hundred and eighty days after June 12, 1960 to the agency of the United States holding such contract, be revised to be in accordance with the law as amended by Pub. L. 86-518, with respect to such of the vessels covered thereby as were designated by the applicant, that any such revision was to provide with respect to the amendments to this section and sections 1152(g), 1157, 1160(d), 1177(b), 1181(c), 1195, and 1204 of this Appendix and section 1276a(4) of former Title 46, Shipping, that depreciation for the period prior to Jan. 1, 1960, was to be taken at the rate provided by the Merchant Marine Act, 1936, act June 29, 1936, ch. 858, 49 Stat. 1985, prior to the amendments made by Pub. L. 86-518, and that the remaining depreciation was to be taken for the period beginning Jan. 1, 1960, on the basis of the remaining years of a useful life of twenty-five years, unless the vessel was reconstructed or reconditioned, in which event such depreciation from the time of such reconstruction or reconditioning was to be taken on the basis of the remaining years of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, that any such revision was to provide with respect to any remaining unpaid debts that such unpaid debts were to be paid in equal annual installments over the remaining years of a useful life of twenty-five years, and that provisions in such contracts affecting vessels covered by Pub. L. 86-518 providing for refund of construction-differential subsidy for domestic operations under section 1156 of this Appendix and costs of national defense features for commercial use were to be amended so that for such refund payments made for the period after Dec. 31, 1959, the base upon which such refund payments were computed annually thereafter were to be the undepreciated amount of subsidy or the national defense feature, as the case may be, as at Dec. 31, 1959, divided by the years of life of the vessels as provided under Pub. L. 86-518, remaining after Dec. 31, 1959.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Section 9 of Pub. L. 86-518 provided that: "Nothing in any amendment made by this Act [see Effective Date of 1960 Amendment note above] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended [this chapter], relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

Section Referred to in Other Sections

This section is referred to in section 1152 of this Appendix.

§ 1125a. Construction, repair, etc., of vessels for Government agencies

The Secretary of Transportation is authorized to construct, reconstruct, repair, equip, and outfit, by contract or otherwise, vessels or parts thereof, for any other department or agency of the Government, to the extent that such other department or agency is authorized by law to do so for its own account, and any obligations heretofore or hereafter incurred by the Secretary for any of the aforesaid purposes shall not diminish or otherwise affect any contract authorization granted to the Secretary: *Provided*, The obligations incurred or the expenditures made are charged against and, to the amount of such obligation or expenditure, diminish the existing appropriation or contract authorization of such department or agency.

(Feb. 6, 1941, ch. 5, § 4, 55 Stat. 6; Aug. 6, 1981, Pub. L. 97-31, § 12(74), 95 Stat. 160.)

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" the first time it appeared and "Secretary" for "Commission" the next two times it appeared. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949 and Reorg. Plan No. 21 of 1950, set out under section 1111 of this Appendix.

§ 1126-1. Training of future naval officers under Naval Reserve Officer Training Corps programs at merchant marine academies for promotion of maximum integration of naval and merchant marine seapower of the Nation

(a) It is the policy of the United States that the United States Navy and the Merchant Marine of the United States work closely together to promote the maximum integration of the total seapower forces of the Nation. In furtherance of this policy, it is necessary and desirable that special steps be taken to assure that Naval Reserve Officer Training Corps programs (for training future naval officers) be maintained at Federal and State merchant marine academies.

(b) It is the sense of the Congress that the Secretary of the Navy should work with the Maritime Administrator and the administrators of the several merchant marine academies to assure that the training available at these academies is consistent with Navy standards and needs.

(Pub. L. 94-361, title VI, § 603, July 14, 1976, 90 Stat. 929; Pub. L. 97-31, § 12(76), Aug. 6, 1981, 95 Stat. 160.)

CODIFICATION

Section was enacted as part of Pub. L. 94-361, popularly known as the Department of Defense Appropriation Authorization Act, 1977, and not as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97-31 substituted "Maritime Administrator" for "Assistant Secretary of Commerce for Maritime Affairs".

§ 1128e-1. Omitted

CODIFICATION

Section, act Apr. 24, 1944, ch. 178, § 2, 58 Stat. 216, which related to compromise or settlement, by the Administrator of the War Shipping Administration, of claims after expiration of time for filing, has been omitted in view of termination of War Shipping Administration on Sept. 1, 1946. See note set out under section 1291 of Title 50, Appendix, War and National Defense.

SUBCHAPTER III—AMERICAN SEAMEN

§ 1131. Manning and wage scales; subsidy contracts

(a) Investigation of wages and working conditions; establishment of wage and manning scales; incorporation in subsidy contracts

The Secretary of Transportation is authorized and directed to investigate the employment and wage conditions in ocean-going shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under subchapters VI and VII of this chapter minimum manning scales and minimum wage scales, and minimum working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy. After such minimum manning and wage scales, and working conditions shall have been adopted by the Secretary of Transportation, no change shall be made therein by the Secretary of Transportation except upon public notice of the hearing to be had, and a hearing by the Secretary of Transportation of all interested parties, under such rules as the Secretary of Transportation shall prescribe. The duly elected representatives of the organizations certified as the proper collective bargaining agencies shall have the right to represent the employees who are members of their organizations at any such hearings. Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum manning and wage scales, and working conditions prescribed by his contract and applicable to such vessel: *Provided, however*, That any increase in the operating expenses of the subsidized vessel occasioned by any change in the wage or manning scales or working conditions as provided in this section shall be added to the operating-differential subsidy previously authorized for the vessel.

(b) Subsidy contracts; provisions relative to officers and crew

Every contract executed under authority of subchapters VI and VII or this chapter shall require—

(1) Insofar as is practicable, officers' living quarters shall be kept separate and apart from those furnished for members of the crew;

(2) Licensed officers and unlicensed members of the crew shall be entitled to make complaints or recommendations to the Secretary of Transportation providing they file such complaint or recommendation directly with the Secretary of Transportation, or with their immediate superior officer who shall be required to forward such complaint or recommendation with his remarks to the Secretary of Transportation, or with the authorized representatives of the respective collective bargaining agencies;

(3) Licensed officers who are members of the United States Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy; officers being those men serving under licenses issued by the Bureau of Marine Inspection and Navigation or the Coast Guard;

(4) The uniform stripes, decoration, or other insignia shall be of gold braid or woven gold or silver material, to be worn by officers, and no member of the ship's crew other than licensed officers shall be allowed to wear any uniform with such officer's identifying insignia;

(5) No discrimination shall be practiced against licensed officers, who are otherwise qualified, because of their failure to qualify as members of the United States Naval Reserve.

(June 29, 1936, ch. 858, title III, § 301, 49 Stat. 1992; June 23, 1938, ch. 600, §§ 5, 6, 52 Stat. 954, 955; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Aug. 6, 1981, Pub. L. 97–31, § 12(82), 95 Stat. 160.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97–31 substituted "Secretary of Transportation" for "Commission" in five places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b)(2). Pub. L. 97–31 substituted "Secretary of Transportation" for "Commission" in three places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note set out below.

1938—Subsec. (a). Act June 23, 1938, § 5, substituted "minimum working conditions" for "reasonable working conditions," struck out provisions which required a formal complaint before any change in scales or working conditions, and permitted representatives of organizations certified as the proper collective bargaining agencies to represent employees at hearings.

Subsec. (b). Act June 23, 1938, § 6, struck out provisions which permitted complaints and recommendations to be made to the Coast Guard or the Department of Labor, and which required licensed officers to take their meals in the main dining salon of the vessel.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89–670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

Phrase "or the Coast Guard" was inserted in subsec. (b)(3) on authority of Reorg. Plan No. 3 of 1946, §§ 101–104, set out as a note preceding section 3 of this Appendix.

SUBCHAPTER IV—OCEAN MAIL CONTRACTS

§§ 1141 to 1144. Omitted

CODIFICATION

Sections 1141 to 1144, related to termination and settlement of ocean mail contracts existing when this chapter became effective.

Section 1141, act June 29, 1936, ch. 858, title IV, § 401, 49 Stat. 1993, related to termination of ocean mail contracts, made prior to June 29, 1936, by June 30, 1937.

Section 1142, acts June 29, 1936, ch. 858, title IV, § 402, 49 Stat. 1993; June 1, 1938, ch. 311, 52 Stat. 606; June 23, 1938, ch. 600, § 7, 52 Stat. 955, related to adjustment of rights under terminated contracts.

Section 1143, act June 29, 1936, ch. 858, title IV, § 403, 49 Stat. 1994, related to credit of sum payable to contractor on loans and mortgage notes.

Section 1144, act June 29, 1936, ch. 858, title IV, § 404, 49 Stat. 1995, transferred powers under then existing ocean mail contracts from Postmaster General to United States Maritime Commission.

SUBCHAPTER V—CONSTRUCTION-DIFFERENTIAL SUBSIDY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1161, 1191, 1193, 1204, 1212, 1228, 1244, 1274 of this Appendix.

§ 1151. Subsidy authorized for vessels to be operated in foreign trade

(a) Application for subsidy for construction; conditions precedent to granting

Any proposed ship purchaser who is a citizen of the United States or any shipyard of the United States may make application to the Secretary of Transportation for a construction-differential subsidy to aid in the construction of a new vessel to be used in the foreign commerce of the United States. No such application shall be approved by the Secretary of Transportation unless he determines that (1) the plans and specifications call for a new vessel which will meet the requirements of the foreign commerce of the United States, will aid in the promotion and development of such commerce, and be suitable for use by the United States for national defense or military purposes in time of war or national emergency; (2) if the applicant is the proposed ship purchaser, the applicant possesses the ability, experience, financial resources, and other qualifications necessary for the operation and maintenance of the proposed new vessel, and (3) the granting of the aid applied for is reasonably calculated to carry out effectively the purposes and policy of this chapter. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price shall not restrict the lawful or proper use or operation of the vessel except to the extent expressly required by law. The Secretary of Transportation may give preferred consideration to applications that will tend to reduce construction-differential subsidies and that propose the construction of ships of higher transport capability and productivity.

(b) Submission of plans to Navy Department; certification of approval

The Secretary of Transportation shall submit the plans and specifications for the proposed vessel to the Navy Department for examination thereof and suggestions for such changes therein as may be deemed necessary or proper in order that such vessel shall be suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for the use of the United States Government in time of war or national emergency. If the Secretary of the Navy approves such plans and specifications as submitted, or as modified, in accordance with the provisions of this subsection, he shall certify such approval to the Secretary of Transportation.

(c) Application for subsidy for reconstruction or reconditioning; conditions precedent to granting; contracts

Any citizen of the United States or any shipyard of the United States may make application to the Secretary of Transportation for a construction-differential subsidy to aid in reconstructing or reconditioning any vessel that is to be used in the foreign commerce of the United States. If the Secretary of Transportation, in the exercise of his discretion, shall determine that the granting of the financial aid applied for is reasonably calculated to carry out effectively the purposes and policy of this chapter, the Secretary of Transportation may approve such application and enter into a contract or contracts with the applicant therefor providing for the payment by the United States of a construction-differential subsidy that is to be ascertained, determined, controlled, granted, and paid, subject to all the applicable conditions and limitations of this subchapter and under such further conditions and limitations as may be prescribed in the rules and regulations of the Secretary of Transportation has adopted as provided in section 1114(b) of this Appendix; but the financial aid authorized by this subsection shall be extended to reconstruction or reconditioning only in exceptional cases and after a thorough study and a formal determination by the Secretary of Transportation that the proposed reconstruction or reconditioning is consistent with the purposes and policy of this chapter.

(June 29, 1936, ch. 858, title V, § 501, 49 Stat. 1995; June 23, 1938, ch. 600, § 8, 52 Stat. 955; July 17, 1952, ch. 939, §§ 1, 2, 66 Stat. 760, 761; Oct. 21, 1970, Pub. L. 91-469, §§ 6, 35(a), (c), (d), 84 Stat. 1019, 1035; Dec. 31, 1970, Pub. L. 91-603, § 4(a), 84 Stat. 1675; Aug. 6, 1981, Pub. L. 97-31, § 12(84), 95 Stat. 161.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469, § 35(a), substituted "Secretary of Commerce" for "Commission", twice in subsecs. (a) and (b) and five times in subsec. (c).

Subsec. (a). Pub. L. 91-603 substituted "for the operation and maintenance of" for "to enable it to operate and maintain" in cl. (2).

Pub. L. 91-469, §§ 6(1), 35(c), substituted "Any proposed ship purchaser who is a citizen of the United States or any shipyard of the United States" for "Any citizen of the United States", inserted in subd. (2) "if the applicant is the proposed ship purchaser," struck out of cl. (3) "to replace wornout or obsolete tonnage with new and modern ships, or otherwise" after "reasonably calculated", and authorized the Secretary of Commerce to give preferred consideration to applications that will tend to reduce construction-differential subsidies and that propose the construction of ships of high transport capability and productivity; and substituted "he" for "it" before "determines", respectively.

Subsec. (c). Pub. L. 91-469, §§ 6(2), 35(d), inserted "or any shipyard of the United States" after "Any citizen of the United States" and substituted "his" for "its" before "discretion", respectively.

1952—Subsecs. (a), (c). Act July 17, 1952, §§ 1, 2, eliminated requirements as to essentiality of the service, route, or line to be served by the vessel and provided that the lawful or proper use of the vessel may not be restricted.

1938—Subsec. (c). Act June 23, 1938, inserted reference to section 1114(b).

COMMISSION ON AMERICAN SHIPBUILDING

Section 4 of Pub. L. 91-469 established a Commission on American Shipbuilding, provided for the appointment and compensation of an Executive Director of the commission and other personnel, empowered the commission to study American shipbuilding with a view toward increased productivity and reduced costs, and to make a report to the President and Congress no later than three years after Oct. 21, 1970 of the commission's findings and recommendations, and provided that the commission was to terminate sixty days after filing its report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1152, 1173 of this Appendix.

§ 1152. Construction of vessels; bids; subsidies

(a) Approval of bids; contract with bidder; acceptance of negotiated price; shipyard records, availability; contract with applicant or qualified citizen for purchase of vessel

If the Secretary of the Navy certifies his approval under section 1151(b) of this Appendix, and the Secretary of Transportation approves the application, he may secure bids for the construction of the proposed vessel according to the approved plans and specifications. If the bid of the shipbuilder who is the lowest responsible bidder is determined by the Secretary of Transportation to be fair and reasonable, the Secretary of Transportation may approve such bid, and if such approved bid is accepted by the proposed ship purchaser, the Secretary of Transportation is authorized to enter into a contract with the successful bidder for the construction, outfitting, and equipment of the proposed vessel, and for the payment by the Secretary of Transportation to the shipbuilder, on terms to be agreed upon in the contract, of the contract price of the vessel, out of the construction fund hereinbefore referred to, or out of other available funds. Notwithstanding the provisions of the first sentence of section 1155 of this Appendix with respect to competitive bidding, the Secretary of Transportation is authorized to accept a price for the construction of the ship which has been negotiated between a shipyard and proposed ship purchaser if (1) the proposed ship purchaser and the shipyard submit backup cost details and evidence that the negotiated price is fair and reasonable; (2) the Secretary of Transportation finds that the negotiated price is fair and reasonable; and (3) the shipyard agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment have access to and the right to examine any pertinent books, documents, papers, and records of the shipyard or any of its subcontractors related to the negotiation or performance of any contract or subcontract negotiated under this subsection and will include in its subcontracts a provision to that effect. Concurrently with entering into such contract with the shipbuilder, the Secretary of Transportation is authorized to enter into a contract for the sale of such vessel upon its completion, to the applicant if he is the proposed ship purchaser and if not to another citizen of the United States, if the Secretary of Transportation determines that such citizen possesses the ability, experience, financial resources, and other qualifications necessary for the operation and maintenance of the vessel at a price corresponding to the estimated cost, as determined by the Secretary of Transportation pursuant to the provisions of this chapter, of building such vessel in a foreign shipyard.

(b) Basis for fixing subsidy; cost of construction in foreign yards; annual recomputation and publication of foreign cost; limitation on construction differential; report on American shipbuilding industry

The amount of reduction in selling price which is herein termed "construction differential subsidy" shall equal, but not exceed, the excess of the bid of the shipbuilder constructing the proposed vessel (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of that type vessel if it were constructed under similar plans and specifications (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example for the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed. The Secretary of Transportation shall recompute such estimated foreign cost annually unless, in the opinion of the Secretary, there has been a significant change in shipbuilding market conditions. The Secretary shall publish notice of his intention to compute or recompute such estimated foreign cost and shall give interested persons, including but not limited to shipyards and shipowners and associations thereof, an opportunity to file written statements. The Secretary's consideration shall include, but not be limited to, all relevant matter so filed, and his determination shall include or be accompanied by a concise explanation of the basis of his determination. The construction differential approved and paid by the Secretary shall not exceed 50 per centum of the cost of constructing, reconstructing, or reconditioning the vessel (excluding the cost of national defense features). If the Secretary finds that the construction differential exceeds, in any case, the foregoing percentage of such cost, the Secretary may negotiate with any bidder (whether or not such person is the lowest bidder) and may contract with such bidder (notwithstanding the first sentence of section 1155 of this Appendix) for the construction, reconstruction, or reconditioning of the vessel involved in a domestic shipyard at a cost which will reduce the construction differential to such percentage or less. In the event that the Secretary has reason to believe that the bidding in any instance is collusive, he shall report all of the evidence on which he acted (1) to the Attorney General of the United States, and (2) to the President of the Senate and to the Speaker of the House of Representatives if the Congress shall be in session or if the Congress shall not be in session, then to the Secretary of the Senate and Clerk of the House, respectively.

(c) Terms of sale of vessel to purchaser

In such contract of sale between the purchaser and the Secretary of Transportation, the purchaser shall be required to make cash payments to the Secretary of Transportation of not less than 25 per centum of the price at which the vessel is sold to the purchaser. The cash payments shall be made at the time and in the same proportion as provided for the payments on account of the construction cost in the contract between the shipbuilder and the Secretary of Transportation. The purchaser shall pay, not less frequently than annually, interest on those portions of the Secretary of Transportation's payments as made to the shipbuilder which are chargeable to the purchaser's portion of the price of the vessel (after deduction of the purchaser's cash payments) at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs. The balance of such purchase price shall be paid by the purchaser, within twenty-five years after delivery of the vessel and in not to exceed twenty-five equal annual installments, the first of which shall be payable one year after the delivery of the vessel by the Secretary of Transportation to the purchaser. Interest at the rate per annum applicable to payments that are chargeable to the purchaser's portion of the price of the vessel shall be paid on all such installments of the purchase price remaining unpaid.

(d) Repealed. Pub. L. 87-877, § 2(a), Oct. 24, 1962, 76 Stat. 1200

(e) Construction in navy yards; sales to citizens; terms

If no bids are received for the construction, outfitting, or equipping of such vessel, or if it appears to the Secretary of Transportation that the bids received from privately owned shipyards of the United States are collusive, excessive, or unreasonable, and if a citizen of the United States agrees to purchase said vessel as provided in this section, then, to provide employment for citizens of the United States, the Secretary of Transportation may have such vessel constructed, outfitted, or equipped at not in excess of the actual cost thereof in a navy yard of the United States under such regulations as may be promulgated by the Secretary of the Navy and the Secretary of Transportation. In such event the Secretary of Transportation is authorized to pay for any such vessel so constructed from his construction fund. The Secretary of Transportation is authorized to sell any vessel so constructed, outfitted, or equipped in a navy yard to a citizen of the United States for the fair and reasonable value thereof, but at not less than the cost thereof less the equivalent to the construction differential subsidy determined as provided by subsection (b) of this section, such sale to be in accordance with all the provisions of this subchapter.

(f) Survey of shipbuilding capability; correction of inadequacies; reimbursement of certain vessel construction and delivery expenses

The Secretary of Transportation, with the advice of and in coordination with the Secretary of the Navy, shall at least once each year, as required for purposes of this chapter, survey the existing privately owned shipyards capable of merchant ship construction, or review available data on such shipyards if deemed adequate, to determine whether their capabilities for merchant ship construction, including facilities and skilled personnel, provide an adequate mobilization base at strategic points for purposes of national defense and national emergency. The Secretary of Transportation, in connection with ship construction, reconstruction, reconditioning, or remodeling under this subchapter and subchapter VII of this chapter, upon a basis of a finding that the award of the proposed construction, reconstruction, reconditioning, or remodeling work will remedy an existing or impending inadequacy in such mobilization base as to the capabilities and capacities of a shipyard or shipyards at a strategic point, and after taking into consideration the benefits accruing from standardized construction, the conditions of unemployment, and the needs and reasonable requirements of all shipyards, may allocate such construction, reconstruction, reconditioning, or remodeling to such yard or yards in such manner as he may determine to be fair, just, and reasonable to all sections of the country, subject to the provisions of this subsection. In the allocation of construction work to such yards as herein provided, the Secretary of Transportation may, after first obtaining competitive bids for such work in compliance with the provisions of this chapter, negotiate with the bidders and with other shipbuilders concerning the terms and conditions of any contract for such work, and is authorized to enter into such contract at a price deemed by the Secretary of Transportation to be fair and reasonable. Any contract entered into by the Secretary of Transportation under the provisions of this subsection shall be subject to all of the terms and conditions of this chapter, excepting those pertaining to the awarding of contracts to the lowest bidder which are inconsistent with the provisions of this subsection. In the event that a contract is made providing for a price in excess of the lowest responsible bid which otherwise would be accepted, such excess shall be paid by the Secretary of Transportation as a part of the cost of national defense, and shall not be considered as a part of the construction-differential subsidy. In the event that a contract is made providing for a price lower than the lowest responsible bid which otherwise would be accepted, the construction-differential subsidy shall be computed on the contract price in lieu of such bid.

If, as a result of allocation under this subsection, the purchaser incurs expenses for inspection and supervision of the vessel during construction and for the delivery voyage of the vessel in excess of the estimated expenses for the same services that he would have incurred if the vessel had been constructed by the lowest responsible bidder the Secretary of Transportation (with respect to construction under this subchapter, except section 1159 of this Appendix) shall reimburse the purchaser for such excess, less one-half of any gross income the purchaser receives that is allocable to the delivery voyage minus one-half of the extra expenses incurred to produce such gross income, and such reimbursement shall not be considered part of the construction-differential subsidy: *Provided*, That no interest shall be paid on any refund authorized under this chapter. If the vessel is constructed under section 1159 of this Appendix the Secretary of Transportation shall reduce the price of the vessel by such excess, less one-half of any gross income (minus one-half of the extra expenses incurred to produce such gross income) the purchaser receives that is allocable to the delivery voyage. In the case of a vessel that is not to receive operating-differential subsidy, the delivery voyage shall be deemed terminated at the port where the vessel begins loading. In the case of a vessel that is to receive operating-differential subsidy, the delivery voyage shall be deemed terminated when the vessel begins loading at a United States port in an essential service. In either case, however, the vessel owner shall not be compensated for excess vessel delivery costs in an amount greater than the expenses that would have been incurred in delivering the vessel from the shipyard at which it was built to the shipyard of the lowest responsible bidder. If as a result of such allocation, the expenses the purchaser incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder, the purchaser shall pay to the Secretary of Transportation an amount equal to such reduction and, if the vessel was built with the aid of construction-differential subsidy, such payment shall not be considered a reduction of the construction-differential subsidy.

(g) Sale of vessels acquired by Secretary

Upon the application of any citizen of the United States to purchase any vessel acquired by the Secretary of Transportation under the provisions of section 1125 of this Appendix, the Secretary of Transportation is authorized to sell such vessel to the applicant for the fair and reasonable value thereof, but at not less than the cost thereof to the Secretary of Transportation less depreciation at the rate of 4 per centum per annum from the date of completion, excluding the cost of national-defense features added by the Secretary of Transportation, less the equivalent of any applicable construction-differential subsidy as provided by subsection (b) of this section, such sale to be in accordance with all the provisions of this subchapter. Such vessel shall thereupon be eligible for an operating-differential subsidy under subchapter VI of this chapter, notwithstanding the provisions of section 1171(a)(1), and section 1180(1) of this Appendix, or any other provision of law.

(h) Installation or removal of national defense features; title to such features

The Secretary of Transportation is authorized to construct, purchase, lease, acquire, store, maintain, sell, or otherwise dispose of national defense features intended for installation on vessels. The Secretary of Transportation is authorized to install or remove such national defense features on any vessel (1) which is in the National Defense Reserve Fleet as defined by section 1744(a) of the Appendix to title 50, (2) which is requisitioned, purchased, or chartered under section 1242 of this Appendix, (3) which serves as security for the guarantee of an obligation by the Secretary of Transportation under subchapter XI of this chapter, or (4) which is the subject of an agreement between the owner of such vessel and the Secretary of Transportation to install or remove such national defense features. Title to such national defense features which the Secretary of Transportation determines are not to be permanently incorporated in a vessel shall not be affected by such installation or removal unless otherwise transferred in accordance with the provisions of this subchapter.

(i) Plans, specifications, and proposals for national defense features; certification of approval

The Secretary of Transportation shall submit the plans and specifications for such national defense features and the proposals for their acquisition, storage, utilization, or disposition to the Navy Department for examination thereof and suggestion for such changes therein as may be deemed necessary or proper in order that such features shall be suitable for the use of the United States Government in time of war or national emergency. If the Secretary of the Navy approves such plans, specifications, or proposals as submitted, or as modified in accordance with the provisions of this subsection, he shall certify such approval to the Secretary of Transportation.

(June 29, 1936, ch. 858, title V, § 502, 49 Stat. 1996; June 23, 1938, ch. 600, §§ 9-14, 52 Stat. 955-957; Aug. 4, 1939, ch. 417, § 6, 53 Stat. 1183; July 26, 1956, ch. 737, 70 Stat. 657; June 12, 1960, Pub. L. 86-518, §§ 1, 2, 74 Stat. 216; July 7, 1960, Pub. L. 86-607, § 1, 74 Stat. 362; Oct. 24, 1962, Pub. L. 87-877, §§ 1, 2(a), (e), (f), 76 Stat. 1200, 1201; July 11, 1964, Pub. L. 88-370, 78 Stat. 313; Aug. 10, 1964, Pub. L. 88-410, § 1, 78 Stat. 385; Aug. 14, 1965, Pub. L. 89-127, 79 Stat. 519; Sept. 19, 1966, Pub. L. 89-589, 80 Stat. 811; Oct. 12, 1968, Pub. L. 90-572, 82 Stat. 1004; July 8, 1969, Pub. L. 91-40, 83 Stat. 44; Oct. 21, 1970, Pub. L. 91-469, §§ 7, 35(a), (e)-(g), 84 Stat. 1019, 1035, 1036; Dec. 31, 1970, Pub. L. 91-603, § 4(b), 84 Stat. 1675; July 10, 1973, Pub. L. 93-71, 87 Stat. 169; July 31, 1976, Pub. L. 94-372, §§ 2, 3, 90 Stat. 1042; Mar. 17, 1980, Pub. L. 96-210, 94 Stat. 100; Oct. 7, 1980, Pub. L. 96-387, § 3, 94 Stat. 1545; Aug. 6, 1981, Pub. L. 97-31, § 12(84), (85), 95 Stat. 161.)

Amendments

1981—Subsecs. (a), (b). Pub. L. 97-31, § 12(84), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

Subsec. (c). Pub. L. 97-31, § 12(84), (85), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing, and "Secretary of Transportation's" for "Secretary of Commerce's".

Subsecs. (e) to (i). Pub. L. 97-31, § 12(84), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1980—Subsec. (a). Pub. L. 96-210 struck out ", at any time prior to June 30, 1979," before "to accept a price for".

Subsecs. (h), (i). Pub. L. 96-387 added subsecs. (h) and (i).

1976—Subsec. (a). Pub. L. 94-372, § 2, in third sentence, substituted "at any time prior to June 30, 1979" for "at any time prior to June 30, 1976", struck out former par. (i) relating to a negotiated price resulting in a construction-differential subsidy equal to or less than 45%, 43%, 41%, 39%, 37% and 35% for fiscal years 1971, 1972, 1973, 1974, 1975 and 1976, respectively, and redesignated former pars. (ii), (iii), and (iv) as (1), (2), and (3), respectively.

Subsec. (b). Pub. L. 94-372, § 3, substituted provisions limiting the construction differential to 50% (excluding costs for national defense features), and allowing the Secretary, where such differential is exceeded, to contract with any bidder (notwithstanding section 1155) to reduce the differential to within such percentage for provisions limiting the differential to 55% except for passenger vessels having characteristics set forth in section 1153, which shall be 60%, limiting the differential after June 30, 1970 to 50%, permitting the Secretary to negotiate and contract with any bidder, regardless of section 1155 if in the years 1972, 1973, 1974, 1975 and 1976 a specified percentage is exceeded, prohibiting contracts commencing in 1972, where such differential exceeds such limits unless consideration has been given to the possibility that the commitment to ship construction programs may not be continued under existing limits, and requiring notification to the Commission on American Shipbuilding if the Secretary finds it necessary to enter into such contracts.

1973—Subsec. (a). Pub. L. 93-71 in third sentence, substituted "June 30, 1976" for "June 30, 1973" and limited vessel construction subsidy to 39 per centum in fiscal 1974, 37 per centum in fiscal 1975, and 35 per centum in fiscal 1976.

1970—Pub. L. 91-469, § 35(a), substituted "Secretary of Commerce" for "Commission", six times in subsec. (a), four times in subsec. (c), five times in subsec. (e), four times in subsec. (f), and four times in subsec. (g).

Subsec. (a). Pub. L. 91-603 substituted "for the operation and maintenance of" for "to enable it to operate and maintain".

Pub. L. 91-469, §§ 7(1), 35(e), struck out in first sentence ", on behalf of the applicant," after "may secure", substituted in second sentence "proposed ship purchaser, the Secretary of Commerce" for "applicant, the Commission", inserted conditions precedent to acceptance of negotiated price for ship construction in fiscal years 1971, 1972, and 1973, including availability of shipyard records in connection therewith, substituted in last sentence "for the sale" for "with the applicant for the purchase by him" before "of such vessel", and authorized sale of vessel upon its completion to the applicant if he is the proposed ship purchaser and if not to another citizen, if the Secretary determines that such citizen possesses the necessary qualifications to enable it to operate and maintain the vessel; and substituted "he" for "it" before "may secure", respectively.

Subsec. (b). Pub. L. 91-469, § 7(2), provided for recomputation of estimated foreign cost annually, publication of notice to compute or recompute such estimated foreign cost, offer of opportunity to interested persons to file written statements, consideration of relevant matter so filed, explanation of basis of determination, prohibition commencing with fiscal year 1972 of construction contracts requiring construction-differential in excess of prescribed percentages unless there is no likelihood of attaining the percentages and the commitment to the ship construction program may not be continued, notice to Commission on American Shipbuilding of execution of such a contract, and submission of a Commission report on the American shipbuilding industry within six months of the notice, substituted "may equal" for "shall equal", "construction of that type vessel" for "construction of the proposed vessel", "exceeds the following percentages: in fiscal year 1971, 45 per centum; in fiscal year 1972, 43 per centum; in fiscal year 1973, 41 per centum; in fiscal year 1974, 39 per centum; in fiscal year 1975, 37 per centum; in fiscal year 1976 and thereafter, 35 per centum" for "in any case exceeds the foregoing applicable percentage of such cost", and "with such bidder, notwithstanding the provisions of the first sentence of section 1155 of this Appendix with respect to competitive bidding," for "on behalf of the applicant", and inserted "with any bidder, whether or not such bidder is the lowest bidder," after "the Secretary may negotiate" and ", or as close thereto as possible" before "or less".

Subsec. (c). Pub. L. 91-469, §§ 7(3), 35(f), inserted "of sale" after introductory phrase "In such contract", in revising interest rate substituted provision for a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum plus an administrative cost allowance for prior rate of 3½ per centum per annum, substituted in last sentence "rate per annum applicable to payments that are chargeable to the purchaser's portion of the price of the vessel" for "rate of 3½ per centum per annum", "purchaser" for "applicant" in six places, "purchaser's portion of the price" for "applicant's purchase price", and "purchaser's" for "applicant's"; and substituted "Secretary of Commerce's" for "Commission's", respectively.

Subsec. (e). Pub. L. 91-469, §§ 7(4), 35(g), substituted "a citizen of the United States" for "the applicant" in first sentence and for "an applicant" in third sentence and "his" for "its" in second sentence, respectively.

Subsec. (f). Pub. L. 91-469, § 7(5), in first par., substituted "this subchapter and subchapter VII of this chapter" for "subchapter VII of this chapter and section 1159 of this Appendix, and the Federal Maritime Board, in connection with ship construction, reconstruction, or reconditioning under this subchapter (except section 1159 of this Appendix)," and "in such manner as he may determine" for "in such manner as it may be determined" in second sentence; and in second par., substituted "purchaser" for "applicant" in six places and "United States port in an essential service" for "United States port on any essential service of the operator" in fourth sentence.

Subsec. (g). Pub. L. 91-469, § 7(6), substituted "application" and "any citizen of the United States" for "agreement" and "an applicant under this subchapter" in first sentence.

1969—Subsec. (b). Pub. L. 91-40 substituted "June 30, 1970" for "June 30, 1969".

1968—Subsec. (b). Pub. L. 90-572 substituted "June 30, 1969" for "June 30, 1968".

1966—Subsec. (b). Pub. L. 89-589 substituted "June 30, 1968" for "June 30, 1966".

1965—Subsec. (b). Pub. L. 89-127 substituted "June 30, 1966" for "June 30, 1965".

1964—Subsec. (b). Pub. L. 88-370 substituted "June 30, 1965" for "June 30, 1964".

Subsec. (f). Pub. L. 88-410 provided for reimbursement of expenses incurred during construction and the delivery voyage of a vessel, if as a result of allocation under this subsection, they are in excess of the estimated expenses that would have been incurred if the vessel had been constructed by the lowest responsible bidder, less one-half of any gross income allocable to the delivery voyage, minus one-half the extra expenses incurred to produce such income, and that such reimbursement shall not be part of the construction-differential subsidy, that no interest be paid on any refund authorized, that if the vessel is constructed under section 1159 the price of the vessel is to be reduced by such excess expenses less such gross income, calculated as above, obtained on the delivery voyage, that if the vessel is not to receive the operating-differential subsidy the delivery voyage shall be deemed terminated at the port where the vessel begins loading, and if it does receive the subsidy, when the vessel begins loading at a United States port on any essential service of the operator, but in either case there is to be no compensation greater than the expenses that would have been incurred in delivering the vessel from the shipyard at which it was built to the one of the lowest bidder, that if the allocation results in a saving of expenses for the applicant, the applicant shall pay an equal amount to the Secretary, and if the vessel was built with the subsidy, such payment shall not be considered a reduction of the subsidy.

1962—Subsec. (b). Pub. L. 87-877, § 1, among other changes, substituted references to the Secretary, for references to the Federal Maritime Board, wherever appearing, and provided that in the reconstruction or reconditioning of a passenger vessel having the characteristics set forth in section 1153 of this Appendix, the construction differential shall not exceed 60 per centum of the cost, excluding national defense features, however, after June 30, 1964, the construction differential approved by the Secretary for any vessel shall not exceed 50 per centum of such cost.

Subsec. (d). Pub. L. 87-877, § 2(a), repealed subsec. (d) which provided for giving a preference to Pacific coast bidders in obtaining a subsidy and specified the conditions to be met therefor.

Subsec. (f). Pub. L. 87-877, § 2(e), (f), substituted "at least once each year" for "periodically", "existing or impending inadequacy" for "existing inadequacy", and struck out ", with the approval of the President," before "allocate such construction".

1960—Subsec. (b). Pub. L. 86-607, § 1(1), increased the limitation on construction differential from 50 to 55 per centum of the construction cost of a vessel and provided for such percentage limitation in lieu of former 33⅓ per centum of construction cost, increased to 50 per centum on affirmative vote of two Board members.

Subsec. (c). Pub. L. 86-518, § 1, substituted "twenty-five" for "twenty" in two places.

Subsec. (d). Pub. L. 86-607, § 1(2), increased the limitation on construction-differential from 50 to 55 per centum of the construction cost of a vessel.

Subsec. (g). Pub. L. 86-518, § 2, substituted "at the rate of 4 per centum per annum" for "based on a twenty-year life expectancy".

1956—Subsec. (f). Act July 26, 1956, substituted provisions that required Secretary of Commerce, with advice of Secretary of the Navy, to make periodic survey of privately owned shipyards to determine adequacy for providing mobilization base, and that any inadequacies would be corrected by Secretary of Commerce or Federal Maritime Board with the approval of the President by allocating work to such yards, for former provisions allowing periodic survey by the Federal Maritime Board of both Navy and privately owned shipyards.

1939—Subsec. (b). Act Aug. 4, 1939, substituted "a foreign shipbuilding center which is deemed by the Commission to furnish a fair and representative example for the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed" for "a principal foreign shipbuilding center which may reasonably be availed of by the principal foreign competitors in the service in which the vessel is to be operated, and which is deemed by the Commission to furnish a fair and representative example for the determination of the estimated cost of construction in foreign countries of vessels of the type proposed to be constructed".

1938—Subsec. (a). Act June 23, 1938, § 9, substituted "of the contract price of the vessel" for "the cost of the vessel".

Subsec. (b). Act June 23, 1938, § 10, permitted negotiations and contracts to build vessels in domestic shipyards in cases where the construction differential exceeds 33⅓ per centum or 50 per centum of the cost, and to require a report where there is reason to believe that the bidding is collusive.

Subsec. (c). Act June 23, 1938, § 11, among other changes, substituted "of not less than 25 per centum of the price at which the vessel is sold to the applicant" for "a sum equal to 25 per centum of the construction cost of the vessel paid by the Commission (excluding cost of national-defense features as above provided)", and required the applicant to pay, not less frequently than annually, interest at the rate of 3½ per centum per annum on those portions of payments made to the shipbuilder which are chargeable to the applicant's purchase price of the vessel (after deduction of the applicant's cash payments).

Subsec. (d). Act June 23, 1938, § 12, substituted "construction-differential subsidy" for "construction subsidy", and inserted provisions relating to limitation on approval of construction-differential in excess of 50 per centum of the construction cost of the vessel paid by the Commission.

Subsec. (f). Act June 23, 1938, § 13, added subsec. (f).

Subsec. (g). Act June 23, 1938, § 14, added subsec. (g).

Effective Date of 1962 Amendment

Section 5 of Pub. L. 87-877 provided that: "The amendment made by the first section of this Act [amending subsec. (b) of this section] shall be effective only with respect to contracts entered into with respect to (a) the construction of a vessel the keel of which was laid after June 30, 1959, or (b) the reconstruction or reconditioning of a vessel the shipyard contract for which was entered into after June 30, 1959, and the Secretary may, with the consent of the parties thereto, modify any such contract entered into prior to the date of the enactment of this Act [Oct. 24, 1962] to the extent authorized by the amendment made by this Act."

Effective Date of 1960 Amendments

Section 2 of Pub. L. 86-607, as amended by Pub. L. 87-222, Sept. 13, 1961, 75 Stat. 494, provided that: "The amendment made by this Act [amending subsecs. (b) and (d) of this section] shall be effective only with respect to any contract entered into not later than two years after the date of enactment of this Act [July 7, 1960] under the provisions of section 502 of the Merchant Marine Act, 1936 [this section], with respect to (a) the construction of a vessel the keel of which was laid, or (b) the reconstruction or reconditioning of a vessel the shipyard contract for which was entered into after June 30, 1959, and the Federal Maritime Board may, with the consent of the parties thereto, modify any such contract entered into prior to the date of enactment of the first amendment to Public Law 86-607 (74 Stat. 362) [Sept. 13, 1961], to the extent authorized by the amendment made by this Act, as amended."

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Modification of Contracts; Conditions

Section 2 of Pub. L. 88-410 provided that: "The amendment made by this Act [amending subsec. (f) of this section] shall be effective with respect to any contract entered into under the provisions of section 502 of the Merchant Marine Act, 1936, as amended [this section], and the Secretary of Commerce shall, with the consent of the other parties thereto, modify any such contract entered into prior to the date of the enactment of this Act [Aug. 10, 1964] to the extent authorized by the amendment made by this Act, except that the Secretary shall not agree to any such modification which would result in a payment by the United States unless, within one year after enactment of this Act, application is made for such modification. No payment shall be made by the Secretary under the provisions of the amendment made by this Act with respect to any contract entered into after the date of enactment of this Act unless the recipient of such payment has agreed to the modification of any contract which was entered into prior to the date of enactment of this Act and to which such recipient was a party, and which, if modified under the authority of this section, would result in a payment to the United States."

Contracts for New Ship Construction Awarded on Bids Opened Prior to October 24, 1962

Section 2(a) of Pub. L. 87-877 provided in part: "That the repeal of subsection (d) of section 502 of the Merchant Marine Act, 1936 [subsec. (d) of this section], shall not be effective with respect to contracts for new ship construction under title V of said Act [this subchapter] awarded on the basis of bids opened prior to the date of the enactment of this Act. [Oct. 24, 1962]."

Rate of Depreciation for Vessels Delivered by Shipbuilder on or After January 1, 1946, and Before January 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

CONSTRUCTION AND SALE OF SUPERLINER PASSENGER VESSELS

Pub. L. 85-521, July 15, 1958, 72 Stat. 359, provided: "That it is necessary, in order to carry out the merchant marine policy declared in the Merchant Marine Act, 1936, as amended [this chapter], to have (a) a superliner passenger vessel equivalent to the steamship United States, to replace the steamship America for operation on an essential trade route in the North Atlantic, and (b) a superliner passenger vessel with capacity of approximately one thousand four hundred passengers for operation on an essential trade route in the Pacific Ocean. Nothing herein shall preclude the operation of either of these vessels in other areas, subject to the approval of the Federal Maritime Board. There is hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary, to remain available until expended, for the construction, outfitting, and equipping of such vessels.

"SEC. 2. Concurrently with entering into contracts with shipbuilders for the construction of said vessels, the Board is authorized to enter into contracts for the sale of the vessels, fully outfitted and equipped, upon their completion, (a) with respect to the superliner passenger vessel equivalent to the steamship United States, to the United States Lines Company, for the fixed price of $47,000,000, and (b) with respect to the superliner passenger vessel for operation in the Pacific Ocean, to the American President Lines, Limited, for the fixed price of $34,000,000, or 45 per centum of the domestic construction cost of the vessel fully outfitted and equipped (excluding national defense features and escalation) whichever is the greater. The sales prices stated herein shall include the cost of stabilizers, all outfit and equipment not covered by the shipbuilders' bids, customary architects' and interior decorators' fees for design, inspection during construction, and all escalation provided for in the shipbuilders' bids: *Provided, however,* That such prices shall be increased in an amount equal to 45 per centum of any net change in the cost of the vessels (other than national defense features) arising out of any changes in the bid specifications approved by the Federal Maritime Board or any changes in the usual outfitting and equipping of the vessels if such changes are requested by the purchasers and approved by the Federal Maritime Board after the enactment hereof. Terms and conditions of payment of the purchase price shall be as provided for in sections 502(c) and 503 of the Merchant Marine Act, 1936, as amended [sections 1152(c) and 1153 of this Appendix]. In order that such construction of the superliner passenger vessel equivalent to the steamship United States may be accomplished promptly, the Federal Maritime Board, in its discretion, may have such a vessel constructed, without further bidding, under outstanding bids which have hitherto been made by United States shipbuilders on a similar vessel.

"SEC. 3. Except as otherwise provided in this Act, the construction and sale of the superliner passenger vessels authorized by this Act shall be in accordance with the provisions of the Merchant Marine Act, 1936, as amended [this chapter].

"SEC. 4. For the purposes of this Act the words 'construction differential subsidy' used in the Merchant Marine Act, 1936, as amended [this chapter], shall mean the difference between the sales price paid by the purchaser hereunder and the cost of the vessel (less national defense features) including the cost of stabilizers, all outfit and equipment not covered by the shipbuilders' bids, customary architects' and interior decorators' fees for design, inspection during construction, and all escalation provided for in the shipbuilders' bids.

"SEC. 5. Any contract for an operating differential subsidy on the operation of a vessel constructed and sold under this Act shall be subject to the provisions of title VI of the Merchant Marine Act, 1936, as amended [subchapter VI of this chapter]: *Provided, however,* That such contract shall provide that, if at the end of any recapture period, the net profits on the operation of such vessel for such recapture period, computed without regard to profits or losses on other vessels operated by the contractor, exceed 10 per centum per annum on a cumulative basis upon the contractor's capital necessarily employed in the operation of such vessel, as determined by the Federal Maritime Board, the contractor shall account to the United States for an amount equal to 75 per centum of such excess profits."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1154 of this Appendix.

§ 1153. Documentation of completed vessel under laws of United States; delivery to purchaser; first mortgage to secure deferred payments

Upon completion of the construction of any vessel in respect to which a construction-differential subsidy is to be allowed under this subchapter and its delivery by the shipbuilder to the Secretary of Transportation, the vessel shall be documented under the laws of the United States, and concurrently therewith, or as soon thereafter as practicable, the vessel shall be delivered with a bill of sale to the purchaser with warranty against liens, pursuant to the contract of sale between the purchaser and the Secretary of Transportation. The vessel shall remain documented under the laws of the United States for not less than twenty-five years, or so long as there remains due the United States any principal or interest on account of the purchaser price, whichever is the longer period. At the time of delivery of the vessel the purchaser shall execute and deliver a first-preferred mortgage to the United States to secure payment of any sums due from the purchaser in respect to said vessel: *Provided,* That notwithstanding any other provisions of law, the payment of any sums due in respect to a passenger vessel purchased under section 1737(b) of Appendix to title 50, reconverted or restored for normal operation in commercial services, or in respect to a passenger vessel purchased under subchapter V of this chapter, which is delivered subsequent to March 8, 1946, and which (i) is of not less than ten thousand gross tons, (ii) has a designed speed approved by the Secretary of Transportation but not less than eighteen knots, (iii) has accommodations for not less than two hundred passengers, and, (iv) is approved by the Secretary of Defense as being desirable for national defense purposes, may, with the approval of the Secretary of

Transportation be secured only by a first-preferred mortgage on said vessel. With the approval of the Secretary of Transportation, such preferred mortgage may provide that the sole recourse against the purchaser of such a passenger vessel under such mortgage, and any of the notes secured thereby, shall be limited to repossession of the vessel by the United States and the assignment of insurance claims, if the purchaser shall have complied with all provisions of the mortgage other than those relating to the payment of principal and interest when due, and the obligation of the purchaser shall be satisfied and discharged by the surrender of the vessel, and all right, title, and interest therein to the United States. Such vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever, except the lien of the preferred mortgage, (ii) in class, and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the purchaser, except that any deficiencies with respect to freedom from encumbrances, condition, and class, may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the purchaser under such policies of insurance. The purchaser shall also comply with all the provisions of section 868 of this Appendix.

(June 29, 1936, ch. 858, title V, § 503, 49 Stat. 1997; June 23, 1938, ch. 600, § 15, 52 Stat. 957; July 17, 1952, ch. 939, § 3, 66 Stat. 761; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216 Oct. 21, 1970, Pub. L. 91-469, §§ 8, 35(a), 84 Stat. 1021, 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(84), 95 Stat. 161.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469 substituted "purchaser" for "applicant" in three places, "sale between the purchaser and the Secretary of Commerce" for "purchase between the applicant and the Commission" in first sentence; and "Secretary of Commerce" for "Commission", in four places, respectively.

1960—Pub. L. 86-518 substituted "twenty-five years" for "twenty years".

1952—Act July 17, 1952, amended section to provide that as to passenger vessels delivered after Mar. 8, 1946, the balance of the payments shall be secured by a first preferred mortgage, that the purchasers' obligation to pay will be discharged by surrender of the vessel and all rights to the Government, and to set up conditions governing type of vessel.

1938—Act June 23, 1938, amended section generally, substituting "construction-differential subsidy" for "construction subsidy", and "or so long as there remains due" for "and so long as there remains due".

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1154, 1159 of this Appendix.

§ 1154. Purchase of vessel constructed in accordance with application for subsidy; bid or negotiated price basis for subsidy and payments for cost of national defense features; documentation

If a qualified purchaser under the terms of this subchapter desires to purchase a vessel to be constructed in accordance with an application for construction-differential subsidy under this subchapter, the Secretary of Transportation may, in lieu of contracting to pay the entire cost of the vessel under section 1152 of this Appendix, contract to pay only construction-differential subsidy and the cost of national defense features to the shipyard constructing such vessel. The construction-differential subsidy and payments for the cost of national defense features shall be based upon the lowest responsible domestic bid unless the vessel is constructed at a negotiated price as provided by section 1152(a) of this Appendix or under a contract negotiated by the Secretary of Transportation as provided in section 1152(b) of this Appendix in which event the construction-differential subsidy and payments for the cost of national defense features shall be based upon such negotiated price. No construction-differential subsidy, as provided in this section, shall be paid unless the said contract or contracts or other arrangements contain such provisions as are provided in this subchapter to protect the interests of the United States as the Secretary of Transportation deems necessary. Such vessel shall be documented under the laws of the United States as provided in section 1153 of this Appendix. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price, shall not restrict the lawful or proper use or operation of the vessel, except to the extent expressly required by law.

(June 29, 1936, ch. 858, title V, § 504, 49 Stat. 1998; June 23, 1938, ch. 600, § 16, 52 Stat. 958; July 17, 1952, ch. 939, § 4, 66 Stat. 761; Oct. 21, 1970, Pub. L. 91-469, §§ 9, 35(a), 84 Stat. 1021, 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(84), 95 Stat. 161.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469, provided a negotiated price as an alternative basis for payment of subsidy and cost of national defense features, and substituted "Secretary of Commerce" for "Commission", respectively.

1952—Act July 17, 1952, added provision that the lawful or proper use of the vessel may not be restricted.

1938—Act June 23, 1938, substituted "domestic shipyards" for "American shipyards", struck out "and if it is the lowest bid" after "fair and reasonable", and changed the term "construction subsidy" to "construction-differential subsidy".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1224 of this Appendix.

§ 1155. Eligible shipyards; materials; conditions of contracts; limitation to American shipyards; American materials, waiver; ability of bidders; filing bids and data

All construction in respect of which a construction-differential subsidy is allowed under this subchapter shall be performed in a shipyard of the United States as the result of competitive bidding, after due advertisement, with the right reserved in the Secretary of Transportation to disapprove, any or all bids. In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States as defined in paragraph K [1] of section 1401 of title 19; *Provided, however*, That with respect to other than major components of the hull, superstructure, and any material used in the construction thereof, (1) if the Secretary of Transportation determines that the requirements of this sentence will unreasonably delay completion of any vessel beyond its contract delivery date, and (2) if such determination includes or is accompanied by a concise explanation of the basis therefor, then the Secretary of Transportation may waive such requirements to the extent necessary to prevent such delay. No shipbuilder shall be deemed a responsible bidder unless he possesses the ability, experience, financial resources, equipment, and other qualifications necessary properly to perform the proposed contract. Each bid submitted to the Secretary of Transportation shall be accompanied by all detailed estimates upon which it is based. The Secretary of Transportation may require that the bids of any subcontractors, or other pertinent data, accompany such bid. All such bids and data relating thereto shall be kept on file until disposed of as provided by law. For the purposes of this subchapter V, the term "shipyard of the United States" means shipyards within any of the United States and the Commonwealth of Puerto Rico.

(June 29, 1936, ch. 858, title V, § 505, 49 Stat. 1998; June 23, 1938, ch. 600, §§ 17, 40(a), 52 Stat. 958, 964; Oct. 25, 1951, ch. 562, § 3(4), 65 Stat. 639; July 12, 1960, Pub. L. 86-624, § 35(a), 74 Stat. 421; Oct. 21, 1970, Pub. L. 91-469, §§ 10, 35(a), 84 Stat. 1022, 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(84), 95 Stat. 161.)

REFERENCES IN TEXT

Paragraph K of section 1401 of title 19, referred to in text, which was classified to par. (k) of section 1401 of Title 19, Customs Duties, was redesignated par. (h) of section 1401 of Title 19 by Pub. L. 91-271, title III, § 301(c)(1), June 2, 1970, 84 Stat. 288.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469 struck out subsec. (a) designation, struck out of first sentence "within the continental limits" and "the applicant to reject, and in" after "shipyard" and "right reserved in", provided for waiver of use of American mateirals, substituted definition of "shipyard of the United States" for definition of "continental limits of the United States", and struck out: subsec. (b) provisions for conditions of contracts, reports as to costs and net profits, limitation on profit, payment to Secretary of excess profit, subdivision of contracts, inspection of records and premises, and contracts for scientific equipment; subsec. (c) provisions as to method of determining profit and limitation on salaries; subsec. (d) provisions for utilization of Treasury Department employees; and subsec. (e) provisions for rescinding approval of bid on refusal of bidder to comply with conditions, new bids, and construction in navy yards; and substituted "Secretary of Commerce" for "Commission" in three instances, respectively.

1960—Subsec. (a). Pub. L. 86-624 inserted definition of "continental limits of the United States."

1951—Subsec. (a). Act Oct. 25, 1951, substituted "on file until disposed of as provided by law" for "permanently on file" in last sentence.

1938—Subsec. (a). Act June 23, 1938, § 40(a), substituted "construction-differential subsidy is allowed" for "subsidy is allowed".

Subsec. (b). Act June 23, 1938, § 17, made section inapplicable to contracts or other arrangements entered into under this subchapter by the terms of which the United States undertakes to pay only for national-defense features.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1152, 1155a, 1176 of this Appendix.

§ 1155a. Suspension of profit limiting provisions as to certain subcontracts

(a) The provisions of section 1155(b) of this Appendix shall not apply to any subcontract which would otherwise be within such provisions if such subcontract is entered into in any taxable year of the subcontractor to which Subchapter E of Chapter 2 of the Internal Revenue Code is applicable and if the principal contractor and the subcontractor between which such subcontract is entered into are not affiliated within the meaning of subsection (b) of this section at the time such subcontract is entered into or at any time thereafter up to and including the date of its completion; and any agreement, pursuant to which the subcontractor is required to pay to the Secretary of Transportation profit in excess of 10 per centum of the contract price of any such subcontract or pursuant to which such an agreement is required to be obtained from such subcontractor relative to such subcontract, shall be without effect. This subsection shall apply only if both the principal contractor and the subcontractor are corporations.

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[1] See References in Text note below.

(b) For the purposes of this section, two or more corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the stock of the other or others, or (2) if at least 95 per centum of the stock of two or more corporations is owned by the same interests. As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(Oct. 8, 1940, ch. 757, title IV, § 402, 54 Stat. 1003; Aug. 6, 1981, Pub. L. 97-31, § 12(86), 95 Stat. 161.)

References in Text

Section 1155(b) of this Appendix, referred to in subsec. (a), means subsec. (b) of section 1155 prior to the amendment of section 1155 by Pub. L. 91-469, § 10(2), Oct. 21, 1970, 84 Stat. 1022, which struck out subsec. (b).

Subchapter E of Chapter 2 of the Internal Revenue Code, referred to in subsec. (a), means subchapter E of chapter 2 of the Internal Revenue Code of 1939, which was comprised of sections 710 to 784 of former Title 26, Internal Revenue Code. Sections 710 to 736, 740, 742 to 744, 750, 751, 760, 761 and 780 to 784 were repealed by act Nov. 8, 1945, ch. 453, title I, § 122(a), 59 Stat. 568. Section 741 was repealed by act Oct. 21, 1942, ch. 619, title II, §§ 224(b), 228(b), 56 Stat. 920, 925. Section 752 was repealed by act Oct. 21, 1942, ch. 619, title II, § 229(a)(1), 56 Stat. 931, eff. as of Oct. 8, 1940.

Codification

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "United States Maritime Commission". For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1156. Operation of subsidy constructed vessel limited to foreign trade; repayments to Secretary for deviations

Every owner of a vessel for which a construction-differential subsidy has been paid shall agree that the vessel shall be operated exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at the State of Hawaii, or an island possession or island territory of the United States, and that if the vessel is operated in the domestic trade on any of the above-enumerated services, he will pay annually to the Secretary of Transportation that proportion of one-twenty-fifth of the construction-differential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. The Secretary may consent in writing to the temporary transfer of such vessel to service other than the service covered by such agreement for periods not exceeding six months in any year, whenever the Secretary may determine that such transfer is necessary or appropriate to carry out the purposes of this chapter. Such consent shall be conditioned upon the agreement by the owner to pay to the Secretary, upon such terms and conditions as he may prescribe, an amount which bears the same proportion to the construction-differential subsidy paid by the Secretary as such temporary period bears to the entire economic life of the vessel. No operating-differential subsidy shall be paid for the operation of such vessel for such temporary period.

(June 29, 1936, ch. 858, title V, § 506, 49 Stat. 1999; June 23, 1938, ch. 600, § 18, 52 Stat. 958; Mar. 18, 1959, Pub. L. 86-3, § 18(b)(1), 73 Stat. 12; June 12, 1960, Pub. L. 86-518, § 3, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(87), 95 Stat. 161.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" the first time it appeared and "Secretary" for "Commission" the next four times it appeared. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Pub. L. 86-518 substituted "one-twenty-fifth" for "one-twentieth".

1959—Pub. L. 86-3 included stops at the State of Hawaii for vessels operated on voyages in foreign trade.

1938—Act June 23, 1938, made changes in phraseology and substituted "construction-differential subsidy" for "construction subsidy".

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960, Amendment of Contracts Dealing With Vessels Having Extended Life

For provisions authorizing revision and amendment of certain contracts, see section 8(c) of Pub. L. 86-518, as amended, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1177, 1183 of this Appendix.

§ 1157. Construction of new vessel to replace obsolete; purchase of old vessel by Secretary; bond of seller against liens

If a contract is made by the Secretary of Transportation under authority of this subchapter for the construction and sale of a new vessel to replace a vessel then operated in foreign trade or domestic trade, which in the judgment of the Secretary of Transportation should be replaced because it is obsolete or inadequate for successful operation in such trade, the Secretary of Transportation is authorized, in his discretion, to buy such replaced vessel from the owner at a fair and reasonable valuation, which valuation shall not exceed the cost to the owner or any former owner plus the actual cost previously expended thereon for reconditioning, and less a reasonable and proper depreciation, based upon not more than twenty-five-year life of the vessel, and apply the purchase price agreed upon to that portion of the construction cost of such new vessel which is to be borne by the purchaser thereof: *Provided*, That the owner of such replaced vessel shall execute a bond, with one or more approved sureties, conditioned upon indemnifying the United States from all loss resulting from any existing lien against such vessel: *And provided further*, That such vessel has been documented under the laws of the United States for a period of at least ten years prior to the date of its purchase by the United States.

(June 29, 1936, ch. 858, title V, § 507, 49 Stat. 2000; June 23, 1938, ch. 600, § 19, 52 Stat. 959; July 17, 1952, ch. 939, § 5, 66 Stat. 761; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(88), 95 Stat. 161.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in three places and "his" for "its". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Pub. L. 86-518 substituted "twenty-five-year life" for "twenty-year life."

1952—Act July 17, 1952, made section applicable to vessels in domestic trade.

1938—Act June 23, 1938, struck out provisions which authorized a deduction for obsolescence.

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Rate of Depreciation for Vessels Delivered by Shipbuilder on or After January 1, 1946, and Before January 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

§ 1158. Disposition of vessels transferred to Maritime Administration of Department of Transportation

If the Secretary of Transportation shall determine that any vessel transferred to the Maritime Administration of the Department of Transportation by section 1112 of this Appendix, or hereafter acquired, is of insufficient value for commercial or military operation to warrant its further preservation, the Secretary of Transportation is authorized (1) to scrap said vessel, or (2) to sell such vessel for cash, after appraisement and due advertisement, and upon competitive sealed bids, either to citizens of the United States or to aliens: *Provided*, That the purchaser thereof shall enter into an undertaking with sureties approved by the Secretary of Transportation that such vessel shall not be operated in the foreign commerce of the United States at any time within the period of ten years after the date of the sale, in competition with any other vessel owned by a citizen or citizens of the United States and registered under the laws thereof.

(June 29, 1936, ch. 858, title V, § 508, 49 Stat. 2000; Aug. 6, 1981, Pub. L. 97-31, § 12(89), 95 Stat. 161.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in three places and "the Maritime Administration of the Department of Transportation" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg.

Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1159. Vessels to be operated in domestic trade; terms and conditions of construction aid and sale to purchaser

Any citizen of the United States may make application to the Secretary of Transportation for aid in the construction of a new vessel to be operated in the foreign or domestic trade (excepting vessels engaged solely in the transportation of property on inland rivers and canals exclusively). If such application is approved by the Secretary of Transportation, the vessel may be constructed under the terms and conditions of this subchapter, but no construction-differential subsidy shall be allowed. The Secretary of Transportation shall pay for the cost of national-defense features incorporated in such vessel. In case the vessel is designed to be of not less than three thousand five hundred gross tons and to be capable of sustained speed of not less than ten knots, or in the case of a passenger vessel operating solely on the inland rivers and waterways which is designed to be of not less than one thousand gross tons and to be capable of sustained speed of not less than eight knots, or in the case of a ferry operating solely in point-to-point transportation which is designed to be of not less than seventy-five gross tons and to be capable of a sustained speed of not less than eight knots, in the case of an oceangoing tug of more than two thousand five hundred horsepower or oceangoing barge of more than two thousand five hundred gross tons, or in the case of a vessel of more than two thousand five hundred horsepower designed to be capable of sustained speed of not less than forty knots, the purchaser shall be required to pay the Secretary of Transportation not less than 12½ per centum of the cost of such vessel, and in the case of any other vessel the purchaser shall be required to pay the Secretary of Transportation not less than 25 per centum of the cost of such vessel (excluding from such cost, in either case, the cost of national defense features); and the balance of such purchase price shall be paid by the purchaser within twenty-five years in not to exceed twenty-five equal annual installments, with interest at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs, the balance of such purchase price being secured by a preferred mortgage on the vessel sold and otherwise secured as the Secretary of Transportation may determine: *Provided*, That, notwithstanding any other provisions of law, the balance of the purchase price of a passenger vessel constructed under this section which is delivered subsequent to March 8, 1946, and which has the tonnage, speed, passenger accommodations, and other characteristics set forth in section 1153 of this Appendix, may, with the approval of the Secretary of Transportation, be secured as provided in such section, and the obligation of the purchaser of such a vessel shall be satisfied and discharged as provided in such section.

(June 29, 1936, ch. 858, title V, § 509, 49 Stat. 2000; June 23, 1938, ch. 600, § 20, 52 Stat. 959; June 6, 1939, ch. 186, 53 Stat. 810; July 17, 1952, ch. 939, § 6, 66 Stat. 761; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Oct. 24, 1962, Pub. L. 87-877, § 2(b), 76 Stat. 1200; Dec. 10, 1967, Pub. L. 90-183, 81 Stat. 559; Dec. 18, 1967, Pub. L. 90-214, 81 Stat. 660; Oct. 21, 1970, Pub. L. 91-469, § 11, 84 Stat. 1022; Aug. 10, 1972, Pub. L. 92-374, 86 Stat. 528; Nov. 12, 1977, Pub. L. 95-173, § 8, 91 Stat. 1360; Oct. 24, 1978, Pub. L. 95-505, 92 Stat. 1755; Aug. 6, 1981, Pub. L. 97-31, § 12(90), 95 Stat. 161.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1978—Pub. L. 95-505 substituted "ten knots" for "fourteen knots".

1977—Pub. L. 95-173 inserted ", or in the case of a ferry operating solely in point-to-point transportation which is designed to be of not less than seventy-five gross tons and to be capable of a sustained speed of not less than eight knots" after "less than eight knots".

1972—Pub. L. 92-374 inserted "or in the case of a vessel of more than two thousand five hundred horsepower designed to be capable of sustained speed of not less than forty knots" in sentence dealing with percentage of cost payable by purchaser, after "barge of more than two thousand five hundred gross tons".

1970—Pub. L. 91-469 substituted "Secretary of Commerce" for "Commission" in seven places, "purchaser" for "applicant" in first three places, and provision for a rate of interest not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum plus an administrative cost allowance for prior rate of 3½ per centum per annum.

1967—Pub. L. 90-214 included provision for oceangoing tugs of more than two thousand five hundred horsepower or oceangoing barges of more than two thousand five hundred gross tons.

Pub. L. 90-183 inserted "or in the case of a passenger vessel operating solely on the inland rivers and waterways which is designed to be of not less than one thousand gross tons and to be capable of sustained speed of not less than eight knots" after "fourteen knots,".

1962—Pub. L. 87-877 struck out second proviso which, in the case of a vessel to be constructed under this section, gave a preference to an applicant who had his principal place of business on the Pacific coast of the United States, but not including one in business on or before Aug. 1, 1935, who subsequently changed his principal place of business to the Pacific coast, if such vessel was to be operated from such coast, the amount of the lowest responsible shipyard bid did not exceed by more than six per centum, a bid by such a shipyard on the Atlantic coast, and a port on the Pacific coast was designated and continued as the home port of the vessel, which set a lower rate of interest on deferred payments that would otherwise be applicable with respect to periods of construction of such vessel and its operation exclusively in coastwise, intercoastal, and other domestic trade, and which enumerated four conditions under which such lower interest rate would not apply.

1960—Pub. L. 86-518 substituted "twenty-five" for "twenty" in two places.

1952—Act July 17, 1952, provided that as to vessels delivered after Mar. 8, 1946, the balance of the payments shall be secured by a first preferred mortgage and that the purchaser's obligation to pay will be discharged by surrender of the vessel and all rights to the Government.

1939—Act June 6, 1939, struck out "except as otherwise provided in this title" after "no construction-differential subsidy shall be allowed", and inserted provisions requiring the applicant to pay not less than 12½ per centum of the cost in case the vessel is designed to be of not less than 3,500 gross tons and to be capable of a sustained speed of not less than 14 knots.

1938—Act June 23, 1938, substituted "foreign or domestic trade" for "domestic trade", and inserted provisions requiring the Commission to pay for the cost of national-defense features.

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1152, 1274 of this Appendix.

§ 1160. Acquisition of obsolete vessels

(a) Definitions

When used in this section—

(1) The term "obsolete vessel" means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) in the judgment of the Secretary of Transportation, should, by reason of age, obsolescence, or otherwise, be replaced in the public interest and (C) has been owned by a citizen or citizens of the United States for at least three years immediately prior to the date of acquisition hereunder.

(2) The term "new vessel" means a vessel or vessels, each of which (A) is constructed under the provisions of this chapter, and is acquired within two years from the date of completion of such vessel, or is purchased under section 1204 of this Appendix, as amended, by the person turning in an obsolete vessel under this section, or (B) is hereafter constructed in a domestic shipyard on private account and not under the provisions of this chapter, and documented under the laws of the United States.

(b) Promotion of construction of new vessels; allowance on obsolete vessels

In order to promote the construction of new, safe, and efficient vessels to carry the domestic and foreign waterborne commerce of the United States, the Secretary of Transportation is authorized, subject to the provisions of this section, to acquire any obsolete vessel in exchange for an allowance of credit. The obsolete vessel shall be acquired by the Secretary of Transportation, if the owner so requests, either at the time the owner contracts for the construction or purchase of a new vessel or within five days of the actual date of delivery of the new vessel to the owner. The amount of the allowance shall be determined at the time of the acquisition of the obsolete vessel by the Secretary of Transportation. In the event the obsolete vessel is acquired by the Secretary of Transportation at the time the owner contracts for the construction or purchase of the new vessel, the allowance shall not be paid to the owner of the obsolete vessel, but shall be applied upon the purchase price of a new vessel. In the case of a new vessel constructed under the provisions of this chapter, such allowance may, under such terms and conditions as the Secretary of Transportation may prescribe, be applied upon the cash payments required under this chapter. In case the new vessel is not constructed under the provisions of this chapter, the allowance shall, upon acquisition of the obsolete vessel by the Secretary of Transportation, be paid, for the account of the owner, to the shipbuilder constructing such new vessel. In the event that title to the obsolete vessel is acquired by the Secretary of Transportation at the time of delivery of the new vessel, the allowance shall be deposited in the owner's capital construction fund. This subsection shall apply to obsolete vessels exchanged for new vessels hereafter contracted to be built, or eligible for such exchange but not exchanged in connection with a contract for new vessels executed prior to October 1, 1960.

(c) Utility value of new vessel; gross tonnage

The utility value of the new vessel for operation in the domestic or foreign commerce of the United States shall not be substantially less than that of the obsolete vessel. The gross tonnage of the obsolete vessel may exceed the gross tonnage of the new vessel in a ratio not in excess of three to one, if the Secretary of Transportation finds that the new vessel, although of lesser tonnage, will provide utility value equivalent to or greater than that of the obsolete vessel.

(d) Amount of allowance on obsolete vessel; determination of amount

The allowance for an obsolete vessel shall be the fair and reasonable value of such vessel as determined by the Secretary of Transportation. In making such determination the Secretary of Transportation shall consider: (1) the scrap value of the obsolete vessel both in American and foreign markets, (2) the depreciated value based on a twenty or twenty-five year life, whichever is applicable to the obsolete vessel, and (3) the market value thereof for operation in the world trade or in the foreign or domestic trade of the United States. In the event the obsolete vessel is acquired by the Secretary of Transportation at the time the owner contracts for the construction of the new vessel, and the owner uses such vessel during the period of construction of the new vessel, the allowance shall be reduced by an amount representing the fair value of such use. The rate for the use of the obsolete vessel shall be fixed by the Secretary of Transportation for the entire period of such use at the time of execution of the contract for the construction of the new vessel.

(e) Recognition of gain for income tax purposes; basis for gain or loss

No gain shall be recognized to the owner for the purpose of Federal income taxes in the case of a transfer of an obsolete vessel to the Secretary of Transportation under the provisions of this section. The basis for gain or loss upon a sale or exchange and for depreciation under the applicable Federal income-tax laws of a new vessel acquired as contemplated in this section shall be the same as the basis of the obsolete vessel or vessels exchanged for credit upon the acquisition of such new vessel, increased in the amount of the cost of such vessel (other than the cost represented by such obsolete vessel or vessels) and decreased in the amount of loss recognized upon such transfer.

(f) Report to Congress

The Secretary of Transportation shall include in his annual report to Congress a detailed statement of all transactions consummated under the provisions of the preceding subsections during the period covered by such report.

(g) Use of vessels 25 years old or more

An obsolete vessel acquired by the Secretary of Transportation under this section which is or becomes twenty-five years old or more, and vessels presently in the Secretary's laid-up fleet which are or become twenty-five years old or more, shall in no case be used for commercial operation, except that any such obsolete vessel, or any such vessel in the laid-up fleet may be used during any period in which vessels may be requisitioned under section 1242 of this Appendix, as amended, and except as otherwise provided in this chapter for the employment of the Secretary's vessels in steamship lines on trade routes exclusively serving the foreign trade of the United States.

(h) Acquisition of tankers for national defense reserve

The Secretary of Transportation is authorized until July 1, 1958 (subject to the provisions of this section as herein amended), to acquire a tanker or tankers, determined by him to be desirable for inclusion in the national defense reserve, in exchange for an allowance of credit to be applied upon the purchase price of a new tanker or tankers: *Provided*, That each of the tankers to be traded in (1) is not less than one thousand three hundred and fifty gross tons; (2) is not less than ten years old; (3) is owned by a citizen or citizens of the United States; (4) and preference shall be given to those tankers which have been documented under the laws of the United States for not less than three years immediately preceding; and (5) is in class with respect to hull and machinery satisfactory to the Secretary of Transportation on the date of its physical delivery to the United States and shall be considered an "obsolete vessel" for purposes of this section: *And provided further*, That only a tanker which is constructed after August 10, 1954 and documented under the laws of the United States shall be considered a "new vessel" for purposes of this section.

The Secretary of Transportation is authorized to pay the cost of national defense features incorporated in any such new tanker. In the event that the United States acquires ownership of such new tanker, the price paid therefor shall not include any amount for national defense features paid for by the United States. The foregoing provisions shall run with the title to each new tanker and be binding on all owners thereof.

The allowance of credit for a traded-in tanker which was sold under the Merchant Ship Sales Act of 1946, as amended [50 App. U.S.C. 1735 et seq.], or which was eligible for a price adjustment under section 9 of such Act [50 App. U.S.C. 1742], shall be: (1) in the case of tankers sold under such Act, the depreciated net sales price paid to the United States, and (2) in the case of tankers which were eligible for price adjustment under such Act, the statutory sales price of such tanker as of March 8, 1946, depreciated: plus the depreciated cost of any additions or betterments to the tanker which were capitalized by the owner and allowed for Federal income tax purposes. Such allowance shall be determined as of the date the owner contracts for the construction of a new tanker. In each case, depreciation shall be computed on the basis of the life of the tanker adopted or accepted by the Internal Revenue Service for determining depreciation for income-tax purposes to the date the owner contracts for the construction of a new tanker.

The allowance of credit for any other traded-in tanker shall be determined in accordance with the provisions of subsection (d) of this section.

In no event shall the amount of credit allowed under this subsection or subsection (d) of this section for a traded-in tanker exceed the price paid by the owner for such tanker, plus the cost of any additions or betterments to the tanker capitalized by such owner and allowed for income-tax purposes.

If an owner uses any tanker traded in pursuant to this section subsequent to the date of the contract for construction of a new tanker, the allowance determined shall be reduced by an amount equal to depreciation for the period of such use and computed in accordance with the schedule adopted or accepted by the Internal Revenue Service. Title to the traded-in tanker shall in all instances vest in the United States, and the allowance of credit shall be applied at the time of physical delivery of such tanker to the United States, which shall be no later than ninety days after delivery of the new tanker. The traded-in tanker shall thereupon be placed in the national defense reserve subject to the provisions of section 11 of the Merchant Ship Sales Act of 1946, as amended [50 App. U.S.C. 1744].

(i) Exchange of vessels; valuation; scrapping of traded out vessels

The Secretary of Transportation is authorized to acquire mariner class vessels constructed under subchapter VII of this chapter and Public Law 911, Eighty-first Congress, and other suitable vessels, constructed in the United States, which have never been under foreign documentation, in exchange for obsolete vessels in the National Defense Reserve Fleet. For purposes of this subsection, the trade-in and trade-out vessels shall be valued at the higher of their scrap value in domestic or foreign markets as of the date of the exchange: *Provided*, That in any exchange transactions, the value assigned to the traded-in and traded-out vessels will be determined on the same basis. The value of the traded-out vessels shall be as nearly as possible equal to the value of the traded-in vessel plus the fair value of the cost of towing the traded-out vessel to the place of scrapping. To the extent the value of the traded-out vessel exceeds the value of the traded-in vessel plus the fair value of the cost of towing, the owner of the traded-in vessel shall pay the excess to the Secretary of Transportation in cash at the time of exchange. This excess shall be deposited into the Vessel Operations Revolving Fund and all costs incident to the lay-up of the vessels acquired under this chapter may be paid from balances in the Fund. No payments shall be made by the Secretary of Transportation to the owner of any traded-in vessel in connection with any exchange under this subsection. Notwithstanding the provisions of sections 808 and 835 of this Appendix, vessels traded out under this subsection may be scrapped in approved foreign markets. The provision of this subsection (i) as it read prior to the 1975 amendment shall govern all transactions made thereunder prior to that amendment.

(j) Placement in national defense reserve fleet of acquired vessels

Any vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Maritime Administration of the Department of Transportation under any other authority shall be placed in the national defense reserve fleet established under authority of section 11 of the Merchant Ship Sales Act of 1946 [50 App. U.S.C. 1744] and shall not be traded out or sold from such reserve fleet, except as provided for in subsections (g) and (i) of this section. This limitation shall not affect the rights of the Secretary of Transportation to dispose of a vessel as provided in other sections of this subchapter or in subchapters VII or XI of this chapter.

(June 29, 1936, ch. 858, title V, § 510, as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1183, and amended July 17, 1952, ch. 939, §§ 7, 8, 66 Stat. 762; Aug. 10, 1954, ch. 664, 68 Stat. 680; Feb. 20, 1958, Pub. L. 85-332, 72 Stat. 17; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; July 5, 1960, Pub. L. 86-575, 74 Stat. 312; Oct. 5, 1961, Pub. L. 87-401, 75 Stat. 833; Oct. 5, 1962, Pub. L. 87-755, 76 Stat. 751; Oct. 10, 1965, Pub. L. 89-254, §§ 1, 2, 79 Stat. 980; Oct. 21, 1970, Pub. L. 91-469, §§ 12, 13, 35(a), 84 Stat. 1022, 1035; Jan. 2, 1975, Pub. L. 93-605, § 1, 88 Stat. 1965; Nov. 15, 1977, Pub. L. 95-177, 91 Stat. 1368; Aug. 6, 1981, Pub. L. 97-31, § 12(91), 95 Stat. 161.)

References in Text

The Federal income-tax laws, referred to in subsec. (e), are classified generally to Title 26, Internal Revenue Code.

The Merchant Ship Sales Act of 1946, as amended, referred to in subsec. (h), is act Mar. 8, 1946, ch. 82, 60 Stat. 41, as amended, which enacted sections 1735 to 1746 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1735 of Title 50, Appendix, and Tables.

Section 1742 of Title 50, Appendix, referred to in subsec. (h), was repealed by Pub. L. 94-412, title V, § 501(g), Sept. 14, 1976, 90 Stat. 1258.

Public Law 911, Eighty-first Congress, referred to in subsec. (i), is act Jan. 6, 1951, ch. 1213, 64 Stat. 1223. Provisions of the act relating to ship construction appear under the heading "Maritime Activities" at 64 Stat. 1225, 1226, and are not classified to the Code.

Amendments

1981—Subsecs. (a)(1), (b). Pub. L. 97-31, § 12(91)(A), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

Subsecs. (c) to (e). Pub. L. 97-31, § 12(91)(B), substituted "Secretary of Transportation" for "Commission" wherever appearing. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (f). Pub. L. 97-31, § 12(91)(B), (C), substituted "Secretary of Transportation" for "Commission" and "his" for "its". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (g). Pub. L. 97-31, § 12(91)(B), (D), substituted "Secretary of Transportation" for "Commission" and "Secretary's" for "Commission's" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsecs. (h), (i). Pub. L. 97-31, § 12(91)(A), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

Subsec. (j). Pub. L. 97-31, § 12(91)(A), (E), substituted "Maritime Administration of the Department of Transportation" for "Secretary of Commerce" and "Secretary of Transportation" for "Secretary of Commerce".

1977—Subsec. (i). Pub. L. 95-177 struck out ", within two years after the enactment of this subsection," after "is authorized" and "that are scheduled for scrapping" after "National Defense Reserve Fleet", inserted "and other suitable vessels, constructed in the United States, which have never been under foreign documentation," after "Eighty-first Congress,", and substituted "the trade-in and trade-out vessels" for "the traded-in and traded-out vessels" and "the 1975 Amendment" for "this amendment".

1975—Subsec. (i). Pub. L. 93-605 added subsec. (i). A prior subsec. (i) providing authority for the Secretary of Commerce to acquire vessels of one thousand five hundred gross tons or over which were constructed in the United States in exchange for more modern or efficient ocean-going vessels of one thousand five hundred gross tons or over owned by the United States under specified conditions expired on July 5, 1972.

1970—Subsec. (a)(1). Pub. L. 91-469, § 12(a), in redefining "obsolete vessel", substituted in subd. (B) "in the judgment of the Secretary of Commerce, should, by reason of age, obsolescence, or otherwise, be replaced in the public interest" for "is not less than seventeen years old and, in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States", substituted in subd. (C) "has been owned" for "is owned" and deleted therefrom "and has been owned by such citizen or citizens" preceding "for at least three years", and deleted concluding proviso defining "obsolete vessel" as meaning a vessel, until June 30, 1964, which is not less than 1,350 gross tons, is not less than 12 years old, and is citizen owned for three year period prior to acquisition hereunder.

Subsec. (b). Pub. L. 91-469, §§ 12(b), 35(a), substituted "capital construction fund" for "capital reserve fund" and "Secretary of Commerce" for "Commission" in seven places, respectively.

Subsec. (i). Pub. L. 91-469, § 13, in revising first sentence, substituted "1972" and "which were constructed in the United States" for "1970" and "which were constructed or contracted for by the United States shipyards before September 3, 1945" and struck out "war-built vessels (which are defined for purposes of this subsection as" and "which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)" before and after "oceangoing vessels of one thousand five hundred gross tons or over".

1965—Subsec. (i). Pub. L. 89-254, § 1(a), substituted "before July 5, 1970, vessels of one thousand five hundred gross tons or over which were constructed or contracted for by the United States shipyards before September 3, 1945" for "within five years from the date of enactment of this Act war-built vessels (which are defined for purposes of this subsection as oceangoing vessels of one thousand five hundred gross tons or over which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)", and inserted "(which are defined for purposes of this subsection as oceangoing vessels of one thousand five hundred gross tons or over which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)".

Subsec. (i)(1). Pub. L. 89-254, § 1(b), reworded par. (1) to apply the 3 year prohibition against any vessel being operated under an operating-differential subsidy to the applicant or any affiliate of the applicant rather than to the vessel itself.

Subsec. (i)(2). Pub. L. 89-254, § 1(c), required the value of a traded out vessel to be calculated in the same manner as its value was determined when it was traded in, except that vessels traded in prior to Oct. 1, 1960, shall be valued on the basis yielding the highest fair return to the government commensurate with the purpose of this subsection, and required in each exchange of vessels under this subsection, the value of the traded-in vessel, unless based on scrap value, and the value of the traded-out vessel to be calculated in the same manner.

Subsec. (i)(9). Pub. L. 89-254, § 1(d), substituted provisions permitting tanker vessels to be traded out under the provisions of this subsection only for major conversions into dry cargo carriers or liquid bulk carriers, including natural gas carriers but excluding bulk petroleum carriers, except where traded out for use exclusively in trade and commerce on the Great Lakes, including the St. Lawrence River and Gulf, for provisions which prohibited tanker-vessels to be traded out under the provisions of this subsection.

Subsec. (j). Pub. L. 89-254, § 2, added subsec. (j).

1962—Subsec. (a)(1). Pub. L. 87-755 substituted "June 30, 1964" for "June 30, 1962".

1961—Subsec. (b). Pub. L. 87-401, § 1(1), provided that if the owner requests, the vessel shall be acquired by the Federal Maritime Board or Secretary of Commerce either when the owner contracts for construction or purchase of a new ship or within 5 days of actual delivery of the new vessel to the owner, that the amount of allowance be determined at the time of acquisition of the vessel by the Board or Secretary, and if at such time, the owner contracts for construction or purchase of a new vessel, the allowance shall be applied upon the price of the new vessel, that if the Board or Secretary acquired title to the vessel at time of delivery of the new vessel, the allowance shall be deposited in the owner's capital reserve fund, and that this subsection shall apply to exchanges for vessels hereafter contracted to be built, or eligible for exchange but not so exchanged in connection with contracts for new vessels executed prior to Oct. 1, 1960.

Subsec. (d). Pub. L. 87-401, § 1(2), provided for a depreciation value based upon a twenty-year life, if applicable, and substituted "In the event the obsolete vessel is acquired by the Board or Secretary at the time the owner contracts for the construction of a new vessel, and the owner" for "If the owner of the obsolete vessel".

1960—Subsec. (d). Pub. L. 86-518 substituted "twenty-five-year life" for "twenty-year life".

Subsec. (g). Pub. L. 86-518 substituted "twenty-five years" for "twenty years" in two places.

Subsec. (l). Pub. L. 86-575 added subsec. (l).

1958—Subsec. (a)(1). Pub. L. 85-332 substituted "June 30, 1962" for "June 30, 1958".

1954—Subsec. (h). Act Aug. 10, 1954, added subsec. (h).

1952—Subsec. (a)(1). Act July 17, 1952, § 7, provided that until June 30, 1958, the minimum age in determining the eligibility of "obsolete vessels" for turn in for credit allowance on a new vessel is reduced from 17 to 12 years.

Subsec. (d). Act July 17, 1952, § 8, provided that the rate for the use of the obsolete vessel should be fixed at the time that the contract for the new vessel is entered into.

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Secretary of Commerce Authorized To Purchase Steamship United States; Requisition or Purchase by United States

Pub. L. 92-296, § 2, May 16, 1972, 86 Stat. 140, as amended by Pub. L. 94-536, Oct. 17, 1976, 90 Stat. 2497; Pub. L. 96-111, § 2, Nov. 15, 1979, 93 Stat. 846, provided that: "The Secretary of Commerce is authorized and directed to purchase the steamship United States, as is, where is, at the depreciated cost of the vessel to the owner, as determined by the Secretary of Commerce, less the unpaid principal and interest on the mortgage on the vessel, for layup in the National Defense Reserve Fleet and operation for the account of any agency or department of the United States during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936 [46 App. U.S.C. 1242], and/or for sale or charter to a qualified operator for operation under the American flag in the coastwise and/or foreign commerce of the United States and/or between foreign ports notwithstanding the provision of section 506 of the Merchant Marine Act, 1936 [46 App. U.S.C. 1156]: *Provided*, That for hire carriage in coastwise commerce of the United States is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any single coastwise trade: *Provided further*, That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful, or for use as a floating hotel in or on the navigable waters of the United States. Whenever the conditions set forth in section 902, the Merchant Marine Act of 1936 [46 App. U.S.C. 1242], exist, the vessel may be requisitioned or purchased by the United States and just compensation for title or use, as the case may be, shall be paid in accordance with section 902 of the Merchant Marine Act, as amended (46 U.S.C. 1242) [46 App. U.S.C. 1242]. The depreciated cost of the vessel to the owner shall be computed on the schedule adopted by the Internal Revenue Service for income tax purposes. Such determination shall be final. The Secretary of Commerce shall require the owner of the vessel to agree that it will pay all existing private obligations related to the vessel, and that it will commit an amount equal to the net proceeds received from such sale in excess of existing obligations and expenses incident to the sale, within a reasonable period not to exceed twelve months of receipt, as equity capital for the construction of new vessels which the Secretary determines are built to effectuate the purposes and policy of the Merchant Marine Act, 1936, as amended [this chapter]."

Rate of Depreciation for Vessels Delivered by Shipbuilder on or After January 1, 1946, and Before January 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Suspension of Subsection (g) Repealed

Act May 14, 1940, ch. 201, § 1, 54 Stat. 216, as extended by act June 16, 1942, ch. 416, 56 Stat. 370, which suspended subsec. (g) of this section until six months after the end of World War II should have been proclaimed or such earlier time as the Congress by concurrent resolution or the President might designate, was repealed by act July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Cross References

Basis for depreciation, generally, see section 167 of Title 26, Internal Revenue Code.

Basis for determining gain or loss, generally, see section 1001 et seq. of Title 26.

Section Referred to in Other Sections

This section is referred to in title 26 section 1059; title 50 App. section 1741.

§ 1161. Reserve funds for construction or acquisition of vessels; taxation

(a) "New vessel" defined

When used in this section the term "new vessel" means any vessel (1) documented or agreed with the Secretary of Transportation to be documented under the laws of the United States; (2) construction in the United States after December 31, 1939, or the construction of which has been financed under subchapters V or VII of this chapter, or the construction of which has been aided by a mortgage insured under subchapter XI of this chapter; and (3) either (A) of such type, size, and speed as the Secretary of Transportation shall determine to be suitable for use on the high seas or Great Lakes in carrying out the purposes of this chapter, but not of less than two thousand gross tons or of less speed than twelve knots, unless the Secretary of Transportation shall determine and certify in each case that a vessel of a specified lesser tonnage or speed is desirable for use by the United States in case of war or national emergency, or (B) constructed to replace a vessel or vessels requisitioned or purchased by the United States.

(b) Establishment of construction reserve funds

For the purposes of promoting the construction, reconstruction, reconditioning, or acquisition of vessels, or for other purposes authorized in this section, necessary to carrying out the policy set forth in section 1101 of this Appendix, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns in whole or in part a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned in whole or in part a vessel or vessels being so operated or had acquired or was having constructed a vessel or vessels for the purpose of operation in such commerce or in the fisheries, may establish a construction reserve fund, for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for other purposes authorized in this section, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels documented under the laws of the United States and from services incident thereto, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Secretary of Transportation and the Secretary of the Treasury.

(c) Recognition of gain for taxation where proceeds of sale or indemnity for loss deposited in fund

In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b) of this section, then—

(1) if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, or

(2) in case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year beginning after December 31, 1939, and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, if the taxpayer so elects prior to the expiration of sixty days after the receipt of the payment or indemnity, and in accordance with a form of election to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury,

no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. If an election is made under subdivision (2) of this subsection and if computation or recomputation in accordance with this subsection is otherwise allowable but is prevented, on the date of making such election or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election.

For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer.

As used in this subsection the term "net proceeds" and the term "net indemnity" mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

(d) Basis for determining gain or loss and for depreciation of new vessels

The basis for determining gain or loss and for depreciation, for the purposes of Federal income or excess profits taxes, of any new vessel constructed, reconstructed, reconditioned, or acquired by the taxpayer, or with respect to which purchase-money indebtedness is liquidated as provided in subsection (g) of this section, in whole or in part out of the construction reserve fund shall be reduced by that portion of the deposits in the fund expended in the construction, reconstruction, reconditioning, acquisition, or liquidation of purchase-money indebtedness of the new vessel which represents gain not recognized for tax purposes under subsection (c) of this section.

(e) Order, proportions, etc., of deposits and withdrawals

For the purposes of this section, (1) if the net proceeds of a sale or the net indemnity in respect of a loss are deposited in more than one deposit, the amount consisting of the gain shall be considered as first deposited; (2) amounts expended, obligated, or otherwise withdrawn shall be applied against the amounts deposited in the fund in the order of deposit; and (3) if any deposit consists in part of gain not recognized under subsection (c) of this section, any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit.

(f) Amounts in fund as accumulation of earnings or profits

With respect to any taxable year, amounts on deposit on the last day of such year in a construction reserve fund in accordance with this section and with respect to which all the requirements of subsection (g) of this section have been satisfied, to the extent that such requirements are applicable as of the last day of said taxable year, shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code.

(g) Benefits of section conditioned upon manner and time of expenditure of deposits

The provisions of subsections (c) and (f) of this section shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Secretary of Transportation and the Secretary of the Treasury—

(1) under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Secretary of Transportation, for a part interest therein), or, with the approval of the Secretary of Transportation, for the reconstruction or reconditioning of a new vessel or vessels, entered into within (i) two years from the date of deposit or the date of any extension thereof which may be granted by the Secretary of Transportation pursuant to the provisions of subsection (h) of this section, in the case of deposits made prior to the date on which these amendatory provisions become effective, or (ii) three years from the date of such deposit in the case of a deposit made after such effective date, only if under such rules and regulations—

(A) within such period not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Secretary of Transportation to the extent by him deemed necessary; and

(B) in case of a vessel or vessels not constructed under the provisions of this subchapter or not purchased from the Secretary of Transportation, (i) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Secretary of Transportation and certified by him to the Secretary of the Treasury, and (ii) all construction under such contract is completed with reasonable dispatch thereafter;

(2) for the liquidation of existing or subsequently incurred purchase-money indebtedness to persons other than a parent company of, or a company affiliated or associated with, the mortgagor on a new vessel or vessels within (i) two years from the date of deposit or the date of any extension thereof which may be granted by the Secretary of Transportation pursuant to the provisions of subsection (h) of this section, in the case of deposits made prior to the date on which these amendatory provisions become effective, or (ii) three years from the date of such deposit in the case of a deposit made after such effective date.

(h) Authorizations of extensions of time

The Secretary of Transportation is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Secretary of Transportation to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction: *Provided*, That until January 1, 1965, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1965.

(i) Taxation of deposits upon failure of conditions

Any such deposited gain or portion thereof which is not so expended or obligated within the period provided, or which is otherwise withdrawn before the expiration of such period, or with respect to which the construction has not progressed to the extent of 5 per centum of completion within the period provided, or with respect to which the Secretary of Transportation finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, if otherwise taxable income under the law applicable to the taxable year in which such gain was realized, shall be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. If any such deposited gain or portion thereof with respect to a deposit made in any taxable year ending on or before June 30, 1945 is so included in gross income for such taxable year, there shall (in addition to any other deficiency) be assessed, collected, and paid in the same manner as if it were a deficiency, an amount equal to 1.1 per centum of the amount of gain so included, such amount being in lieu of any adjustment with respect to the declared value excess-profits tax for such taxable year.

(j) Assessment and collection of deficiency tax

Notwithstanding any other provision of law, any deficiency in tax for any taxable year resulting from the inclusion of any amount in gross income as provided by subsection (i) of this section, and the amount to be treated as a deficiency under such subsection in lieu of any adjustment with respect to the declared value excess-profits tax, may be assessed or a proceeding in court for the collection thereof may be begun without assessment, at any time: *Provided, however*, That interest on any such deficiency or amount to be treated as a deficiency shall not begin until the date the deposited gain or portion thereof in question is required under subsection (i) of this section to be included in gross income.

(k) Taxable years governed by section

This section shall be applicable to a taxpayer only in respect of sales or indemnifications for losses occurring within a taxable year beginning after December 31, 1939, and only in respect of earnings derived during a taxable year beginning after December 31, 1939.

(*l*) Vessels deemed constructed or acquired by taxpayers owning stock in corporations constructing or acquiring vessels

For the purposes of this section a vessel shall be considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns at least 95 per centum of the total number of shares of each class of stock of the corporation.

(m) Definitions

The terms used in this section shall have the same meaning as in chapter 1 of the Internal Revenue Code.

(n) "Contract for the construction" and "construction contract" defined

The terms "contract for the construction" and "construction contract", as used in this section, shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement between such taxpayer and the Secretary of Transportation with respect to such construction and containing provisions deemed necessary or advisable by the Secretary of Transportation to carry out the purposes and policy of this section.

(o) "Reconstruction and reconditioning" defined

The terms "reconstruction and reconditioning", as used in this section, shall include the reconstruction, reconditioning, or modernization of a vessel for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf, if the Secretary of Transportation determines that the objectives of this chapter will be promoted by such reconstruction, reconditioning, or modernization, and, notwithstanding any other provisions of law, such vessel shall be deemed to be a "new vessel" within the meaning of this section for such reconstruction, reconditioning, or modernization.

(June 29, 1936, ch. 858, title V, § 511, as added Oct. 10, 1940, ch. 849, 54 Stat. 1106, and amended June 17, 1943, ch. 130, 57 Stat. 157; Dec. 23, 1944, ch. 714, 58 Stat. 920; July 17, 1952, ch. 939, §§ 9-14, 66 Stat. 762-764; Sept. 8, 1959, Pub. L. 86-237, § 1, 73 Stat. 471; Sept. 26, 1961, Pub. L. 87-303, § 3, 75 Stat. 661; Oct. 10, 1962, Pub. L.

87-782, § 1, 76 Stat. 796; Dec. 23, 1963, Pub. L. 88-227, § 1, 77 Stat. 470; Sept. 12, 1964, Pub. L. 88-595, § 1, 78 Stat. 943; Aug. 6, 1981, Pub. L. 97-31, § 12(92), 95 Stat. 161.)

References in Text

Section 102 of the Internal Revenue Code, referred to in subsec. (f), means section 102 of the Internal Revenue Code of 1939, which was classified to section 102 of former Title 26, Internal Revenue Code. Section 102 was repealed by section 7851(a)(1) of Title 26, Internal Revenue Code. For table of comparisons of the 1939 Code to the 1954 Code, see Table I preceding section 1 of Title 26. See also section 7851(e) of Title 26 for provision that references in the 1954 Code to a provision of the 1939 Code, not then applicable, shall be deemed a reference to the corresponding provision of the 1954 Code, which is then applicable.

Chapter 1 of the Internal Revenue Code, referred to in subsec. (m), means chapter 1 of the Internal Revenue Code of 1939, which was classified to chapter 1 of former Title 26, Internal Revenue Code. Chapter 1 was comprised of sections 1 to 482 of former Title 26. Sections 1 to 142 and 145 to 482 were repealed by section 7851(a)(1) of Title 26, Internal Revenue Code. Sections 143 and 144 were repealed by section 7851(a)(2) of Title 26. For table of comparisons of the 1939 Code to the 1954 Code, see Table I preceding section 1 of Title 26. See also section 7851(e) of Title 26 for provision that references in the 1954 Code to a provision of the 1939 Code, not then applicable, shall be deemed a reference to the corresponding provision of the 1954 Code, which is then applicable.

Amendments

1981—Subsecs. (a), (b). Pub. L. 97-31, § 12(92)(A), substituted "Secretary of Transportation" for "Commission" wherever appearing. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (g). Pub. L. 97-31, § 12(92), substituted "Secretary of Transportation" for "Commission" wherever appearing and in subpars. (A) and (B), substituted "him" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsecs. (h), (i), (n), (o). Pub. L. 97-31, § 12(92)(A), substituted "Secretary of Transportation" for "Commission" wherever appearing. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1964—Subsec. (h). Pub. L. 88-595 substituted "January 1, 1965" for "January 1, 1964" and "December 31, 1965" for "December 31, 1964".

1963—Subsec. (h). Pub. L. 88-227 substituted "January 1, 1964" for "January 1, 1963" and "December 31, 1964" for "December 31, 1963".

1962—Subsec. (h). Pub. L. 87-782 substituted "January 1, 1963" for "January 1, 1962" and "December 31, 1963" for "December 31, 1962".

1961—Subsec. (h). Pub. L. 87-303 substituted "January 1, 1962" for "January 1, 1961" and "December 31, 1962" for "December 31, 1961".

1959—Subsec. (h). Pub. L. 86-237 substituted "January 1, 1961" and "December 31, 1961" for "March 31, 1953" and "September 30, 1953," respectively.

1952—Subsec. (b). Act July 17, 1952, § 9, extended its provisions to the reconstruction and reconditioning of vessels.

Subsec. (c). Act July 17, 1952, § 10, struck out obsolete language.

Subsec. (d). Act July 17, 1952, § 11, provided for the adjustment in the tax basis of a vessel if the reserve funds are used for reconstruction, reconditioning, or liquidation of a purchase-money indebtedness on vessels.

Subsec. (g). Act July 17, 1952, § 12, provided that the reserve funds may be used for reconstruction, reconditioning, and liquidation of purchase money indebtedness, and extended the time of required commitment of deposits in order to avoid the imposition of taxes at the established rate.

Subsec. (h). Act July 17, 1952, § 13(a), extended extension period.

Subsec. (i). Act July 17, 1952, § 13(b), limited the additional 1.1% tax imposed on deposits in lieu of the capital-stock tax or declared excess profit tax to deposits made in taxable years ending on or before June 30, 1945.

Subsec. (o). Act July 17, 1952, § 14, added subsec. (o).

1944—Subsec. (c). Act Dec. 23, 1944, amended first sentence generally.

Subsec. (n). Act Dec. 23, 1944, added subsec. (n).

1943—Subsec. (b). Act June 17, 1943, extended provisions of first sentence to ownership in whole or in part and to persons who had acquired or were having constructed a vessel or vessels.

Subsec. (c). Act June 17, 1943, changed the dates of deposit in second sentence.

Subsec. (g). Act June 17, 1943, inserted "(or in the discretion of the Commission, for a part interest therein)".

Subsec. (h). Act June 17, 1943, substituted "Commission" for "Commissioner of Internal Revenue" at beginning of subsec. and added proviso.

Effective Date of 1964 Amendment

Section 2 of Pub. L. 88-595 provided that: "The amendment made by the first section of this Act [amending subsec. (h) of this section] shall take effect December 31, 1964, or on the date of enactment of this Act [Sept. 12, 1964], whichever date first occurs."

Effective Date of 1963 Amendment

Section 2 of Pub. L. 88-227 provided that: "The amendment made by the first section of this Act [amending subsec. (h) of this section] shall take effect December 31, 1963, or on the date of enactment of this Act [Dec. 23, 1963], whichever date first occurs."

Effective Date of 1962 Amendment

Section 2 of Pub. L. 87-782 provided that: "The amendment made by the first section of this Act [amending subsec. (h) of this section] shall take effect December 31, 1962, or on the date of enactment of this Act [Oct. 10, 1962], whichever date first occurs."

Effective Date of 1959 Amendment

Section 2 of Pub. L. 86-237 provided that: "The amendment made by the first section of this Act [amending subsec. (h) of this section] shall take effect June 30, 1959, or on the date of enactment of this Act [Sept. 8, 1959], whichever date first occurs."

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Termination of War

Section 5 of act Aug. 8, 1947, ch. 515, 61 Stat. 917, as amended Apr. 20, 1949, ch. 82, 63 Stat. 56; Oct. 1, 1951, ch. 443, 65 Stat. 366; July 16, 1952, ch. 913, 66 Stat. 737, provided: "For the purposes of the proviso of subsection (h) of section 511 of the Merchant Marine Act, 1936, as amended, added to such subsection by the Act of June 17, 1943 (57 Stat. 158) [subsec. (h) of this section], the present war shall be considered as having terminated on March 31, 1953."

Section Referred to in Other Sections

This section is referred to in title 26 sections 543, 1023, 1059; title 50 App. section 1741.

SUBCHAPTER VI—OPERATING-DIFFERENTIAL SUBSIDY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1131, 1152, 1191, 1204, 1211, 1222, 1223, 1226, 1227, 1228, 1244 of this Appendix.

§ 1171. Subsidy authorized for operation of vessels in foreign trade or in off-season cruises

(a) Application for subsidy; conditions precedent to granting

The Secretary of Transportation is authorized and directed to consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service in the foreign commerce of the United States or in such service and in cruises authorized under section 1183 of this Appendix. In this subchapter VI the term "essential service" means the operation of a vessel on a service, route, or line described in section 1121(a) of this Appendix or in bulk cargo carrying service described in section 1121(b) of this Appendix. No such application shall be approved by the Secretary of Transportation unless he determines that (1) the operation of such vessel or vessels in an essential service is required to meet foreign-flag competition and to promote the foreign commerce of the United States except to the extent such vessels are to be operated on cruises authorized under section 1183 of this Appendix, and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date; (2) the applicant owns, or leases or can and will build or purchase, or lease, a vessel or vessels of the size, type, speed, and number, and with the proper equipment required to enable him to operate in an essential service, in such manner as may be necessary to meet competitive conditions, and to promote foreign commerce; (3) the applicant possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the vessel or vessels as to meet competitive conditions and promote foreign commerce; (4) the granting of the aid applied for is necessary to place the proposed operations of the vessel or vessels on a parity with those of foreign competitors, and is reasonably calculated to carry out effectively the purposes and policy of this chapter. To the extent the application covers cruises, as authorized under section 1183 of this Appendix, the Secretary of Transportation may make the portion of this last determination relating to parity on the basis that any foreign flag cruise from the United States competes with any American flag cruise from the United States.

(b) Statements as to financial interests to accompany application; penalty for false statements

Every application for an operating-differential subsidy under the provisions of this subchapter shall be accompanied by statements disclosing the names of all persons having any pecuniary interest, direct or indirect, in such application, or in the ownership or use of the vessel or vessels, routes, or lines covered thereby, and the nature and extent of any such interest, together with such financial and other statements as may be required by the Secretary of Transportation. All such statements shall be under oath or affirmation and in such form as the Secretary of Transportation shall prescribe. Any person who, in an application for financial aid under this subchapter or in any statement required to be filed therewith, willfully makes any untrue statement of a material fact, shall be guilty of a misdemeanor.

(June 29, 1936, ch. 858, title VI, § 601, 49 Stat. 2001; May 27, 1961, Pub. L. 87-45, § 2, 75 Stat. 90; Oct. 21, 1970, Pub. L. 91-469, §§ 14, 35(a), (h), 84 Stat. 1023, 1035, 1036; Dec. 31, 1970, Pub. L. 91-603, § 4(c), (d), 84 Stat. 1675; Aug. 6, 1981, Pub. L. 97-31, § 12(93), 95 Stat. 161.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" in two instances and for "Commission" in one instance. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1970—Subsec. (a). Pub. L. 91-603 included the leasing of vessels in cl. (2).

Pub. L. 91-469 inserted definition of "essential service", and substituted "an essential service" for "such service, route, or line" in cl. (1) and "in an essential service" for "and maintain the service, route, or line" in cl. (2); substituted "Secretary of Commerce" for "Commission" in two places; and substituted "he" for "it" in third sentence preceding "determines that", respectively.

1961—Subsec. (a). Pub. L. 87-45 required the Federal Maritime Board to consider applications for financial aid in the operation of vessels in cruises under section 1183 of this Appendix, and permitted the Board, to the extent the application covers such cruises, to make the portion of the determination relating to parity on the basis that any foreign flag cruise from the United States competes with any American flag cruise from the United States.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1152 of this Appendix.

§ 1172. Determination of necessity of subsidy to meet competition

Except with respect to cruises authorized under section 1183 of this Appendix, no contract for an operating-differential subsidy shall be made by the Secretary of Transportation for the operation of a vessel or vessels to meet foreign competition, except direct foreign-flag competition, until and unless the Secretary of Transportation, after a full and complete investigation and hearing, shall determine that an operating-differential subsidy is necessary to meet competition of foreign-flag ships.

(June 29, 1936, ch. 858, title VI, § 602, 49 Stat. 2002; June 23, 1938, ch. 600, § 40(b), 52 Stat. 964; May 27, 1961, Pub. L. 87-45, § 3, 75 Stat. 91; Oct. 21, 1970, Pub. L. 91-469, § 35(a), 84 Stat. 1035; Aug. 6, 1981, Pub. L. 97-31, § 12(94), 95 Stat. 161.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469 substituted "Secretary of Commerce" for "Commission" in two places.

1961—Pub. L. 87-45 excepted cruises authorized under section 1183 of this Appendix.

1938—Act June 23, 1938, substituted "operating-differential subsidy" for "operating subsidy".

§ 1173. Contracts for payment of subsidy

(a) Authorization of contracts

If the Secretary of Transportation approves the application, he may enter into a contract with the applicant for the payment of an operating-differential subsidy determined in accordance with the provisions of subsection (b) of this section, for the operation of such vessel or vessels in an essential service and in cruises authorized under section 1183 of this Appendix for a period not exceeding twenty years, and subject to such reasonable terms and conditions, consistent with this chapter, as the Secretary of Transportation shall require to effectuate the purposes and policy of this chapter, including a performance bond with approved sureties, if such bond is required by the Secretary of Transportation.

(b) Amount of subsidy

Such contract shall provide, except as the parties should agree upon a lesser amount, that the amount of the operating-differential subsidy for the operation of vessels in an essential service shall equal the excess of the subsidizable wage costs of the United States officers and crews, the fair and reasonable cost of insurance, subsistence of officers and crews on passenger vessels, as defined in section 1183 of this Appendix, maintenance, and repairs not compensated by insurance, incurred in the operation under United States registry of the vessel or vessels covered by the contract, over the estimated fair and reasonable cost of the same items of expense (after deducting therefrom any estimated increase in such items necessitated by features incorporated pursuant to the provisions of section 1151(b) of this Appendix) if such vessel or vessels were operated under the registry of a foreign country whose vessels are substantial competitors of the vessel or vessels covered by the contract: *Provided, however,* That the Secretary of Transportation may, with respect to any vessel in an essential bulk cargo carrying service as described in section 1121(b) of this Appendix, pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country. For any period during which a vessel cruises as authorized by section 1183 of this Appendix, operating-differential subsidy shall be computed as though the vessel were operating on the essential service to which the vessel is assigned: *Provided, however,* That if the cruise vessel calls at a port or ports outside of its assigned service, but which is served with passenger vessels (as defined in section 1183 of this Appendix) by another subsidized operator at an operating-differential subsidy rate for wages lower than the cruise vessel has on its assigned essential service, the operating-differential subsidy rates for each of the subsidizable items for each day (a fraction of a day to count as a day) that the vessel stops at such port shall be at the respective rates applicable to the subsidized operator regularly serving the area.

(c) "Collective bargaining costs", "base period costs", "base period", and "subsidizable wage costs of United States officers and crews" defined; determination of collective bargaining costs and establishment of new base periods; wage change index

(1) When used in this section—

(A) The term "collective bargaining costs" means the annual cost, calculated on the basis of the per diem rate of expense as of any date, of all items of expense required of the applicant through collective bargaining or other agreement, covering the employ of United States officers and crew of a vessel, including payments required by law to assure old-age pensions, unemployment benefits, or similar benefits and taxes or other governmental assessments on crew payrolls, but excluding subsistence of officers and crews on vessels other than passenger vessels as defined in section 1183 of this Appendix and costs relating to:

(i) the officers or members of the crew that the Secretary of Transportation has found, prior to the award of a contract for the construction or reconstruction of a vessel, to be unnecessary for the efficient and economical operation of such vessel: *Provided,* That the Secretary of Transportation shall afford representatives of the collective-bargaining unit or units responsible for the manning of the vessel an opportunity to comment on such finding prior to the effective date of such finding: *And provided further,* That in determining whether officers or members of the crew are necessary for the efficient and economical operation of such vessel, the Secretary of Transportation shall give due consideration to, but shall not be bound by, wage and manning scales and working conditions required by a bona fide collective-bargaining agreement, or

(ii) those officers or members of the crew that the Secretary of Transportation has found, prior to ninety days following October 21, 1970, to be unnecessary for the efficient and economical operation of the vessel.

(B) The term "base period costs" means for the base period beginning July 1, 1970, and ending June 30, 1971, the collective-bargaining costs as of January 1, 1971, less all other items of cost that have been disallowed by the Secretary of Transportation prior to ninety days following October 21, 1970, and not already excluded from collective-bargaining costs under subparagraph (A)(i) or (A)(ii) of this subsection. In any subsequent base period the term "base period costs" means the average of the subsidizable wage cost of United States officers and crews for the preceding annual period ending June 30 (calculated without regard to the limitation of the last sentence of paragraph (D) of this subdivision but increased or decreased by the increase or decreased in the index described in subdivision (3) of this subsection from January 1 of such annual period to January 1 of the base period), and the collective-bargaining costs as of January 1 of the base period: *Provided*, That in no event shall the base period cost be such that the difference between the base period cost and the collective-bargaining costs as of January 1 of any base period subsequent to the first base period exceeds five-fourths of 1 per centum of the collective-bargaining costs as of such January 1 multiplied by the number of years that have elapsed since the most recent base period.

(C) The term "base period" means any annual period beginning July 1, and ending June 30 with respect to which a base period cost is established.

(D) The term "subsidizable wage costs of United States officers and crews" in any period other than a base period means the most recent base period costs increased or decreased by the increase or decrease from January 1 of such base period to January 1 of such period in the index described in subdivision (3) hereof, and with respect to a base period means the base period cost. The subsidizable wage costs of United States officers and crews in any period other than a base period shall not be less than 90 per centum of the collective-bargaining costs as of January 1 of such period nor greater than 110 per centum of such collective-bargaining costs.

(2) The Secretary of Transportation shall determine the collective-bargaining costs on ships in subsidized operation as of January 1, 1971, and as of each January 1 thereafter, and shall as of intervals of not less than two years nor more than four years, establish a new base period cost, except that the Secretary shall not establish a new base period unless he announces his intention to do so prior to the December 31 that would be included in the new base period.

(3) The Bureau of Labor Statistics shall compile the index referred to in subdivision (1). Such index shall consist of the average annual change in wages and benefits placed into effect for employees covered by collective-bargaining agreements with equal weight to be given to changes affecting employees in the transportation industry (excluding the offshore maritime industry) and to changes affecting employees in private nonagricultural industries other than transportation. Such index shall be based on the materials regularly used by the Bureau of Labor Statistics in compiling its regularly published statistical series on wage and benefit changes arrived at through collective bargaining. Such materials shall remain confidential and not be subject to disclosure.

(d) Foreign wage computation; foreign manning

Each foreign wage cost computation shall be made after an opportunity is given to the contractor to submit in writing and in timely fashion all relevant data within his possession. In making the computation, the Secretary shall consider all relevant matter so presented and all foreign wage cost data collected at his request or on his behalf. Such foreign cost data shall be made available to an interested contractor, unless the Secretary shall find that disclosure of the data will prevent him from obtaining such data in the future. In determining foreign manning for purposes of this section, the foreign manning determined for any ship type with respect to any base period shall not be redetermined until the beginning of a new base period.

(e) Monthly payment of wage subsidy; procedures for calculation and payment of subsidy on certain expenses

The wage subsidy shall be payable monthly for the voyages completed during the month, upon the contractor's certification that the subsidized vessels were in authorized service during the month. The Secretary of Transportation shall prescribe procedures for the calculation and payment of subsidy on items of expense which are included in "collective-bargaining costs" but are not included in the daily rate because they are unpredictably timed.

(f) Monthly percentage payment of other than wage subsidy; security for refund of overpayments; payment of remainder after audit of voyage accounts

Ninety percent of the amount of the insurance and maintenance and repair and subsistence of officers and crews subsidy shall be payable monthly for the voyages completed during the month on the basis of the subsidy estimated to have accrued with respect to such voyages. Any such payment shall be made only after there has been furnished to the Secretary of Transportation such security as he deems to be reasonable and necessary to assure refund of any overpayment. The contractor and the Secretary of Transportation shall audit the voyage accounts as soon as practicable after such payment. The remaining 10 percent of such subsidy shall be payable after such audit.

(June 29, 1936, ch. 858, title VI, § 603, 49 Stat. 2002; Aug. 4, 1939, ch. 417, § 8, 53 Stat. 1185; May 27, 1961, Pub. L. 87-45, § 4, 75 Stat. 91; Sept. 14, 1961, Pub. L. 87-243, 75 Stat. 513; Oct. 21, 1970, Pub. L. 91-469, §§ 15-17, 35(a), (i), 84 Stat. 1023, 1024, 1035, 1036; Aug. 6, 1981, Pub. L. 97-31, § 12(94), 95 Stat. 161.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Subsec. (a). Pub. L. 91-469, §§ 15, 35(a), (i), substituted "an essential service" for "such service, route, or line," "Secretary of Commerce" for "Commission" in three places, and "he" for "it" before "may enter", respectively.

Subsec. (b). Pub. L. 91-469, § 16, in amending first sentence, inserted ", except as the parties should agree upon a lesser amount," after "shall provide", "subsistence of officers and crews on passenger vessels, as defined in section 1183 of this Appendix," after "cost of insurance," and proviso for payment of necessary sums to make operating costs of American-flag vessels providing bulk cargo carrying services competitive with operating costs of similar vessels under foreign registry, and substituted "vessels in an essential service shall equal the excess of the subsidizable wage costs of the United States officers and crews," for "vessels on a service, route, or line shall not exceed the excess of", "maintenance, and repairs not compensated by insurance" for "maintenance, repairs not compensated by insurance," and "incurred" for "wages and subsistence of officers and crews, and any other items of expense in which the Commission shall find and determine that the applicant is at a substantial disadvantage in competition with vessels of the foreign country hereinafter referred to,".

Subsecs. (c) to (e). Pub. L. 91–469, § 17(1), added subsecs. (c) to (e). Former subsec. (c) redesignated (f).

Subsec. (f). Pub. L. 91–469, § 17, redesignated former subsec. (c) as (f), substituted provision for monthly payment of ninety percent of subsidy (insurance and maintenance and repair and subsistence of officers and crews) on basis of estimated accrual of subsidy and payment of remaining ten percent after audit of voyage accounts for prior provisions for determination and payment of subsidy on basis of final accounting made annually or after some agreed fixed period and for payments on account limited to 75 per centum of estimated accrued amount and an additional 15 per centum for any particular voyage after an audit, substituted provision to "assure" rather than "insure" refund, and repealed second par. prohibition against payment of subsidy until contractor provided evidence that minimum wages prescribed by Secretary of Commerce under section 1131(a) of this Appendix had been paid to ships personnel.

1961—Subsec. (a). Pub. L. 87–45, § 4(a), inserted "and in cruises authorized under section 1183 of this Appendix" after "in such service, route, or line".

Subsec. (b). Pub. L. 87–45, § 4(b), inserted provisions for the computation of the subsidy for periods during which a vessel cruises as authorized by section 1183 of this Appendix.

Subsec. (c). Pub. L. 87–243 increased, effective on and after July 1, 1962, the amount payable on account from not more than 75 per centum to not more than 90 per centum of the amount estimated to have accrued on account of such subsidy, and reduced the amount payable to the contractor after the audit of the voyage from 15 to 5 per centum.

1939—Subsec. (c). Act Aug. 4, 1939, permitted payment to the contractor of an additional 15 per centum.

Operating-Differential Subsidy Contracts; Amendment and Recapture Provisions

Section 40 of Pub. L. 91–469 provided that:

"(a) The amendments made by this Act [see Short Title of 1970 Amendment note set out under section 1245 of this Appendix] shall not affect any contract with the Secretary of Commerce or his delegates that is in effect on the date of enactment of this Act [Oct. 21, 1970]. At the request of the other party to such operating-differential subsidy contract, the Secretary of Commerce shall amend such contract so as to be in accordance with all of the amendments made by this Act. No amendment made by this Act shall be incorporated in such contract unless all such amendments are incorporated in such contract, except that if the other party elects to continue under the "old fund" as provided in section 607 as amended by section 21 of this Act [section 1177 of this Appendix], such amendment need not be incorporated in such contract. Until such contract is amended or if such contract is not amended, it shall be administered in accordance with the provisions of the Merchant Marine Act, 1936 [this chapter] as they existed immediately prior to enactment of this Act. Nothing in section 16 of this Act amending section 603 of the Merchant Marine Act, 1936 [subsec. (b) of this section] or in the contracts made thereunder, shall be deemed to affect or to change existing law or contracts with respect to the proceedings now pending before the Secretary of Commerce relating to the payment of subsidy in respect of cargoes covered by section 901(b)(1) of the Merchant Marine Act, 1936 [section 1241(b)(1) of this Appendix], section 616(a) of Title 15, United States Code, or section 2631 of Title 10, United States Code.

"(b) If any operating-differential subsidy contract in existence on the date of enactment of this Act [Oct. 21, 1970] is amended by including all of the amendments made by this Act or all of the amendments made by this Act other than those made by section 21 [amending section 1177 of this Appendix], the operator may elect to terminate his recapture period as of the date of such contract amendment and have his recapture computed on the basis of the shortened period, or he may elect to continue his recapture period until the end of its ten-year term and continue his recapture obligations as provided by the Merchant Marine Act, 1936, prior to the enactment of this Act [see Short Title of 1970 Amendment note set out under section 1245 of this Appendix] until the end of such ten-year period. The amendments in either event shall provide that, with respect to seafaring personnel, in determining the rights and obligations of the contractor under such contract, the limitation of section 805(c) of the Merchant Marine Act, 1936 [section 1223(c) of this Appendix], as it existed immediately before the enactment of this Act [Oct. 21, 1970] shall not apply."

Section Referred to in Other Sections

This section is referred to in section 1183 of this Appendix.

§ 1174. Additional subsidy; when authorized

If in the case of any particular foreign-trade route the Secretary of Transportation shall find after consultation with the Secretary of State, that the subsidy provided for in this subchapter is in any respect inadequate to offset the effect of governmental aid paid to foreign competitors, he may grant such additional subsidy as he determines to be necessary for that purpose.

(June 29, 1936, ch. 858, title VI, § 604, 49 Stat. 2003; June 23, 1938, ch. 600, § 21, 52 Stat. 959; Aug. 4, 1939, ch. 417, § 9, 53 Stat. 1185; Aug. 6, 1981, Pub. L. 97-31, § 12(95), 95 Stat. 162.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation' for "Commission" and "he" for "it", and struck out provision relating to subsidy voting requirements. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note set out below.

1939—Act Aug. 4, 1939, reduced requirement in proviso from unanimous vote to vote of four commissioners.

1938—Act June 23, 1938, authorized additional subsidies only where the Commission (which had reference to United States Maritime Commission) by unanimous vote finds after consultation with the Secretary of State that the subsidy is inadequate.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1175. Vessels excluded from subsidy

(a) Vessels engaged in coastwise or intercoastal trade; vessels on inland waterways

No operating-differential subsidy shall be paid for the operation of any vessel on a voyage on which it engages in coastwise or intercoastal trade: *Provided, however,* That such subsidy may be paid on a round-the-world voyage or a round voyage from the west coast of the United States to a European port or ports or a round voyage from the Atlantic coast to the Orient which includes intercoastal ports of the United States or a voyage in foreign trade on which the vessel may stop at the State of Hawaii, or an island possession or island territory of the United States, and if the subsidized vessel earns any gross revenue on the carriage of mail, passengers, or cargo by reason of such coastal or intercoastal trade the subsidy payment for the entire voyage shall be reduced by an amount which bears the same ratio to the subsidy otherwise payable as such gross revenue bears to the gross revenue derived from the entire voyage. No vessel operating on the inland waterways of the United States shall be considered for the purposes of this chapter to be operating in foreign trade.

(b) Vessels more than 25 years old

No operating-differential subsidy shall be paid for the operation of a vessel that is more than twenty-five years of age unless the Secretary of Transportation finds that it is to the public interest to grant such financial aid for the operation of such vessel and enters a formal order thereon.

(c) Vessels to be operated in an essential service served by citizens of the United States

No contract shall be made under this subchapter with respect to a vessel to be operated in an essential service served by citizens of the United States which would be in addition to the existing service, or services, unless the Secretary of Transportation shall determine after proper hearing of all parties that the service already provided by vessels of United States registry is inadequate, and that in the accomplishment of the purposes and policy of this chapter additional vessels should be operated thereon; and no contract shall be made with respect to a vessel operated or to be operated in an essential service served by two or more citizens of the United States with vessels of United States registry, if the Secretary of Transportation shall determine the effect of such a contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service unless following public hearing, due notice of which shall be given to each operator serving such essential service, the Secretary of Transportation shall find that it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry. The Secretary of Transportation in determining for the purposes of this section whether services are competitive, shall take into consideration the type, size, and speed of the vessels employed, whether passenger or cargo, or combination passenger and cargo, vessels, the ports or ranges between which they run, the character of cargo carried, and such other facts as he may deem proper.

(June 29, 1936, ch. 858, title VI, § 605, 49 Stat. 2003; July 17, 1952, ch. 939, § 15, 66 Stat. 764; Mar. 18, 1959, Pub. L. 86-3, § 18(b)(2), 73 Stat. 12; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Nov. 8, 1965, Pub. L. 89-348, § 1(9), 79 Stat. 1310; Oct. 21, 1970, Pub. L. 91-469, §§ 18, 19, 26(b), 35(a), (j), 84 Stat. 1025, 1026, 1034-1036; Aug. 6, 1981, Pub. L. 97-31, § 12(96), 95 Stat. 162.)

AMENDMENTS

1981—Subsecs. (b), (c). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Subsec. (a). Pub. L. 91-469, § 26(b), struck out "on the Great Lakes or" after "No vessel operating" in last sentence.

Subsec. (b). Pub. L. 91-469, § 18, substituted "unless the Secretary of Commerce" for "unless the Commission" and deleted preceding such words "except one whose life expectancy has been determined as provided in section 1177(b) of this Appendix for a period in no case to exceed the life expectancy determined thereunder,".

Subsec. (c). Pub. L. 91-469, §§ 19, 35(a), (j), substituted "in an essential service" for "on a service, route, or line", "an essential service" for "a service, route, or line", and "such essential service" for "competitive services, routes, or lines," and struck out "in such service, route, or line" before "is inadequate" in first sentence; substituted "Secretary of Commerce" for "Commission" in four places; and substituted "he" for "it" before "may deem" in last sentence, respectively.

1965—Subsec. (b). Pub. L. 89-348 struck out provisions which required an annual report covering each case and the reasons therefor in which an exception is made to the prohibition against payment of an operating-differential subsidy for the operation of a vessel beyond its economic life.

1960—Subsec. (b). Pub. L. 86-518 substituted "twenty-five years" for "twenty years".

1959—Subsec. (a). Pub. L. 86-3 included stops at the State of Hawaii.

1952—Subsec. (b). Act July 17, 1952, permitted the recomputation of the life-expectancy of a reconstructed or reconditioned vessel in use under an operating differential-subsidy contract, and provided for recomputation of depreciation changes.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACT, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1183, 1213 of this Appendix.

§ 1176. Readjustments; change in service; withdrawal from service; payment of excess profits; wages, etc.; American materials

Every contract for an operating-differential subsidy under this subchapter shall provide (1) that the amount of the future payments to the contractor shall be subject to review and readjustment from time to time, but not more frequently than once a year, at the instance of the Secretary of Transportation or of the contractor. If any such readjustment cannot be reached by mutual agreement, the Secretary of Transportation, on his own motion or on the application of the contractor, shall, after a proper hearing, determine the facts and make such readjustment in the amount of such future payments as he may determine to be fair and reasonable and in the public interest. The testimony in every such proceeding shall be reduced to writing and filed in the office of the Secretary of Transportation. His decision shall be based upon and governed by the changes which may have occurred since the date of the said contract, with respect to the items theretofore considered and on which such contract was based, and other conditions affecting shipping, and shall be promulgated in a formal order, which shall be accompanied by a report in writing in which the Secretary of Transportation shall state his findings of fact; (2) that the compensation to be paid under it shall be reduced, under such terms and in such amounts as the Secretary of Transportation shall determine, for any periods in which the vessel or vessels are laid up; (3) that if the Secretary of Transportation shall determine that a change in an essential service, which is receiving an operating-differential subsidy under this subchapter, is necessary in the accomplishment of the purposes of this chapter, it may make such change upon such readjustment of payments to the contractor as shall be arrived at by the method prescribed in clause (1) of these conditions; (4) that if at any time the contractor receiving an operating-differential subsidy claims that he cannot maintain and operate his vessels in such an essential service, with a reasonable profit upon his investment, and applies to the Secretary of Transportation for a modification or rescission of his contract to maintain such essential service, and the Secretary of Transportation determines that such claim is proved the Secretary of Transportation shall modify or rescind such contract and permit the contractor to withdraw such vessels from such essential service upon a date fixed by the Secretary of Transportation, and upon the date of such withdrawal the further payment of the operating differential subsidy shall cease and the contractor be discharged from any further obligation under such contract; (5) that the contractor shall conduct his operations with respect to essential services and any services authorized under section 1183 of this Appendix, covered by his contract in an economical and efficient manner, and (6) that whenever practicable, an operator who receives subsidy with respect to subsistence of officers and crews shall use as such subsistence items only articles, materials, and supplies of the growth, production, and manufacture of the United States, as defined in section 1155 of this Appendix, except when it is necessary to purchase supplies outside the United States to enable such vessel to continue and complete her voyage, and an operator who receives subsidy with respect to repairs shall perform such repairs within any of the United States or the Commonwealth of Puerto Rico, except in an emergency.

(June 29, 1936, ch. 858, title VI, § 606, 49 Stat. 2004; June 23, 1938, ch. 600, § 22, 52 Stat. 960; July 17, 1952, ch. 939, § 16, 66 Stat. 764; May 10, 1956, ch. 247, § 1, 70 Stat. 148; July 12, 1960, Pub. L. 86-624, § 35(b), 74 Stat. 421; May 27, 1961, Pub. L. 87-45, § 5, 75 Stat. 91; Oct. 21, 1970, Pub. L. 91-469, §§ 20, 35(a), (k), 84 Stat. 1026, 1035, 1036; Aug. 6, 1981, Pub. L. 97-31, § 12(96), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1970—Pub. L. 91-469, § 35(a), substituted "Secretary of Commerce" for "Commission" wherever appearing.

Cl. (1). Pub. L. 91-469, § 35(k)(1)-(3), substituted "his" for "its" in two places, "he" for "it", and "His" for "Its", respectively.

Cl. (3). Pub. L. 91-469, §§ 20(1), 35(k)(2), substituted "and essential service" for "the service, route, or line" and "he" for "it", respectively.

Cl. (4). Pub. L. 91-469, § 20(2), (3), substituted "in such an essential service" for "on such service, route, or line" and "essential service" for "service, route, or line" in two places, respectively.

Cl. (5). Pub. L. 91-469, § 20(4), (5), (6)-(9), struck out cl. (5) providing that when at the end of any ten-year period the contractor's net profit on his subsidized vessels has averaged more than 10 percent of his capital necessarily employed, he shall pay one-half of such net profit to the United States, but not exceeding the operating-differential subsidy paid to him during the period, as partial or complete reimbursement of the operating subsidy; redesignated cl. (6) as (5); and substituted therein "essential services", "services", and "an economical" for "the vessel's services, routes, and lines", "cruises", and "the most economical" and struck out therefrom "but with due regard to the wage and manning scales and working conditions prescribed by the Commission as provided in subchapter III of this chapter" after "efficient manner,", respectively.

Cls. (6), (7). Pub. L. 91-469, § 20(10), (11), redesignated cl. (7) as (6) and substituted "an operator who received subsidy with respect to subsistence of officers and crews shall use as such subsistence items" for "the operator shall use", "1155" for "1155(a)", and "and an operator who receives subsidy with respect to repairs shall perform such repairs within any of the United States or the Commonwealth of Puerto Rico," and struck out "and equipment" before "outside the United States" and definition of "continental limits of the United States" as including States of Alaska and Hawaii, respectively. Former cl. (6) redesignated (5).

1961—Cl. (6). Pub. L. 87-45 inserted ", and any cruises authorized under section 1183 of this Appendix," after "services, routes, and lines".

1960—Pub. L. 86-624 inserted definition of "continental limits of the United States."

1956—Cl. (5). Act May 10, 1956, provided that termination of subsidy contract shall not end the 10-year recapture period if subsidized operations continue under a new, or consecutive, contract.

1952—Cl. (5). Act July 17, 1952, substituted "life expectancy of the subsidized vessel determined as provided in section 1177(b) of this Appendix" for "twenty-year life expectancy of the subsidized vessels".

1938—Cl. (5). Act June 23, 1938, substituted "ten-year period" for "five-year period" in three places, and inserted provisions to permit computation of net profits without regard to capital gains and losses.

AMENDMENT OF CONTRACT

Section 2 of act May 10, 1956, provided that: "Each operating-differential subsidy contract in force on the date of enactment of this act [May 10, 1956] shall, if the subsidized contractor consents, be amended to conform to the provisions of section 606 of the Merchant Marine Act, 1936 [this section], as amended by section 1 of this act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1177 of this Appendix.

§ 1177. Capital construction fund

(a) Agreement rules; persons eligible; replacement, additional, or reconstructed vessels for prescribed trade and fishery operations; amount of deposits, annual limitation; conditions and requirements for deposits and withdrawals

Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1) of this section) may enter into an agreement with the Secretary under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the "fund") with respect to any or all of such vessels. Any agreement entered into under this section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f) of this section. The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary may by regulations prescribe or are set forth in such agreement; except that the Secretary may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A) of this section) which is attributable to the operation of the agreement vessels.

(b) Ceiling on deposits; lessees; "agreement vessel" defined

(1) The amount deposited under subsection (a) of this section in the fund for any taxable year shall not exceed the sum of:

(A) that portion of the taxable income of the owner or lessee for such year (computed as provided in chapter 1 of the Internal Revenue Code of 1954 [26 U.S.C. 1 et seq.] but without regard to the carryback of any net operating loss or net capital loss and without regard to this section) which is attributable to the operation of the agreement vessels in the foreign or domestic commerce of the United States or in the fisheries of the United States,

(B) the amount allowable as a deduction under section 167 of the Internal Revenue Code of 1954 [26 U.S.C. 167] for such year with respect to the agreement vessels,

(C) if the transaction is not taken into account for purposes of subparagraph (A), the net proceeds (as defined in joint regulations) from (i) the sale or other disposition of any agreement vessel, or (ii) insurance or indemnity attributable to any agreement vessel, and

(D) the receipts from the investment or reinvestment of amounts held in such fund.

(2) In the case of a lessee, the maximum amount which may be deposited with respect to an agreement vessel by reason of paragraph (1)(B) for any period shall be reduced by any amount which, under an agreement entered into under this section, the owner is required or permitted to deposit for such period with respect to such vessel by reason of paragraph (1)(B).

(3) For purposes of paragraph (1), the term "agreement vessel" includes barges and containers which are part of the complement of such vessel and which are provided for in the agreement.

(c) Investment requirements; depositories; fiduciary requirements; interest-bearing securities; stock: percentage for domestic issues, listing and registration, prudent acquisitions, value and percentage equilibrium, and treatment of preferred issues

Amounts in any fund established under this section shall be kept in the depository or depositories specified in the agreement and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary. They may be invested only in interest-bearing securities approved by the Secretary; except that, if the Secretary consents thereto, an agreed percentage (not in excess of 60 percent) of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be currently fully listed and registered on an exchange registered with the Securities and Exchange Commission as a national securities exchange, and must be stock which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital. If at any time the fair market value of the stock in the fund is more than the agreed percentage of the assets in the fund, any subsequent investment of amounts deposited in the fund, and any subsequent withdrawal from the fund, shall be made in such a way as to tend to restore the fund to a situation in which the fair market value of the stock does not exceed such agreed percentage. For purposes of this subsection, if the common stock of a corporation meets the requirements of this subsection and if the preferred stock of such corporation would meet such requirements but for the fact that it cannot be listed and registered as required because it is nonvoting stock, such preferred stock shall be treated as meeting the requirements of this subsection.

(d) Nontaxability of deposits; eligible deposits

(1) For purposes of the Internal Revenue Code of 1954—

(A) taxable income (determined without regard to this section) for the taxable year shall be reduced by an amount equal to the amount deposited for the taxable year out of amounts referred to in subsection (b)(1)(A) of this section,

(B) gain from a transaction referred to in subsection (b)(1)(C) of this section, shall not be taken into account if an amount equal to the net proceeds (as defined in joint regulations) from such transaction is deposited in the fund,

(C) the earnings (including gains and losses) from the investment and reinvestment of amounts held in the fund shall not be taken into account,

(D) the earnings and profits of any corporation (within the meaning of section 316 of such Code [26 U.S.C. 316]) shall be determined without regard to this section, and

(E) in applying the tax imposed by section 531 of such Code [26 U.S.C. 531] (relating to the accumulated earnings tax), amounts while held in the fund shall not be taken into account.

(2) Paragraph (1) shall apply with respect to any amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in joint regulations.

(e) Accounts within fund: capital account, capital gain account, and ordinary income account; limitation on capital losses

For purposes of this section—

(1) Within the fund established pursuant to this section three accounts shall be maintained:

(A) the capital account,

(B) the capital gain account, and

(C) the ordinary income account.

(2) The capital account shall consist of—

(A) amounts referred to in subsection (b)(1)(B) of this section,

(B) amounts referred to in subsection (b)(1)(C) of this section other than that portion thereof which represents gain not taken into account by reason of subsection (d)(1)(B) of this section,

(C) 85 percent of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (d)(1)(C) of this section) be allowed a deduction under section 243 of the Internal Revenue Code of 1954 [26 U.S.C. 243], and

(D) interest income exempt from taxation under section 103 of such Code [26 U.S.C. 103].

(3) The capital gain account shall consist of—

(A) amounts representing capital gains on assets held for more than 6 months and referred to in subsection (b)(1)(C) or (b)(1)(D) of this section reduced by

(B) amounts representing capital losses on assets held in the fund for more than 6 months.

(4) The ordinary income account shall consist of—

(A) amounts referred to in subsection (b)(1)(A) of this section,

(B)(i) amounts representing capital gains on assets held for 6 months or less and referred to in subsection (b)(1)(C) or (b)(1)(D) of this section, reduced by—

(ii) amounts representing capital losses on assets held in the fund for 6 months or less,

(C) interest (not including any tax-exempt interest referred to in paragraph (2)(D)) and other ordinary income (not including any dividend referred to in subparagraph (E)) received on assets held in the fund,

(D) ordinary income from a transaction described in subsection (b)(1)(C) of this section, and

(E) 15 percent of any dividend referred to in paragraph (2)(C).

(5) Except on termination of a fund, capital losses referred to in paragraph (3)(B) or in paragraph (4)(B)(ii) shall be allowed only as an offset to gains referred to in paragraph (3)(A) or (4)(B)(i), respectively.

(f) Purposes of qualified withdrawals; nonqualified withdrawal treatment for nonfulfillment of substantial obligations

(1) A qualified withdrawal from the fund is one made in accordance with the terms of the agreement but only if it is for:

(A) the acquisition, construction, or reconstruction of a qualified vessel,

(B) the acquisition, construction, or reconstruction of barges and containers which are part of the complement of a qualified vessel, or

(C) the payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or a barge or container which is part of the complement of a qualified vessel.

Except to the extent provided in regulations prescribed by the Secretary, subparagraph (B), and so much of subparagraph (C) as relates only to barges and containers, shall apply only with respect to barges and containers constructed in the United States.

(2) Under joint regulations, if the Secretary determines that any substantial obligation under any agreement is not being fulfilled, he may, after notice and opportunity for hearing to the person maintaining the fund, treat the entire fund or any portion thereof as an amount withdrawn from the fund in a nonqualified withdrawal.

(g) Tax treatment of qualified withdrawals; basis reduction

(1) Any qualified withdrawal from a fund shall be treated—

(A) first as made out of the capital account,

(B) second as made out of the capital gain account, and

(C) third as made out of the ordinary income account.

(2) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the ordinary income account, the basis of such vessel, barge, or container shall be reduced by an amount equal to such portion.

(3) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the capital gain account, the basis of such vessel, barge, or container shall be reduced by an amount equal to—

(A) Five-eighths of such portion, in the case of a corporation (other than an electing small business corporation, as defined in section 1371 of the Internal Revenue Code of 1954 [26 U.S.C. 1371]), or

(B) One-half of such portion, in the case of any other person.

(4) If any portion of a qualified withdrawal to pay the principal on any indebtedness is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) if this were a qualified withdrawal for a purpose described in such paragraphs shall be applied,in the order provided in joint regulations, to reduce the basis of vessels, barges, and containers owned by the person maintaining the fund. Any amount of a withdrawal remaining after the application of the preceding sentence shall be treated as a nonqualified withdrawal.

(5) If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (h)(3)(A) of this section which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in joint regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under joint regulations which will, insofar as practicable, restore the fund to the position it was in before the withdrawal.

(h) Tax treatment of nonqualified withdrawals; FIFO and LIFO bases; interest rate

(1) Except as provided in subsection (i) of this section, any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

(2) Any nonqualified withdrawal from a fund shall be treated—

(A) first as made out of the ordinary income account,

(B) second as made out of the capital gain account, and

(C) third as made out of the capital account.

For purposes of this section, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that (i) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced ship design, machinery and equipment, and (ii) any amount treated as a nonqualified withdrawal under the second sentence of subsection (g)(4) of this section, shall be treated as withdrawn on a last-in-first-out basis.

(3) For purposes of the Internal Revenue Code of 1954—

(A) any amount referred to in paragraph (2)(A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made,

(B) any amount referred to in paragraph (2)(B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 6 months, and

(C) for the period on or before the last date prescribed for payment of tax for the taxable year in which this withdrawal is made—

(i) no interest shall be payable under section 6601 of such Code [26 U.S.C. 6601] and no addition to the tax shall be payable under section 6651 of such Code [26 U.S.C. 6651],

(ii) interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph (4)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

(iii) no interest shall be payable on amounts referred to in clauses (i) and (ii) of paragraph (2) or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 1176(5) of this Appendix as in effect on December 31, 1969.

(4) For purposes of paragraph (3)(C)(ii), the applicable rate of interest for any nonqualified withdrawal—

(A) made in a taxable year beginning in 1970 or 1971 is 8 percent, or

(B) made in a taxable year beginning after 1971, shall be determined and published jointly by the Secretary of the Treasury and the Secretary and shall bear a relationship to 8 percent which the Secretaries determine under joint regulations to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1970.

(i) Corporate reorganizations and partnership changes

Under joint regulations—

(1) a transfer of a fund from one person to another person in a transaction to which section 381 of the Internal Revenue Code of 1954 [26 U.S.C. 381] applies may be treated as if such transaction did not constitute a nonqualified withdrawal, and

(2) a similar rule shall be applied in the case of a continuation of a partnership (within the meaning of subchapter K of such Code [26 U.S.C. 701 et seq.]).

(j) Treatment of existing funds; relation of old to new fund

(1) Any person who was maintaining a fund or funds (hereinafter in this subsection referred to as "old fund") under this section (as in effect before the enactment of this subsection) may elect to continue such old fund but—

(A) may not hold moneys in the old fund beyond the expiration date provided in the agreement under which such old fund is maintained (determined without regard to any extension or renewal entered into after April 14, 1970),

(B) may not simultaneously maintain such old fund and a new fund established under this section, and

(C) if he enters into an agreement under this section to establish a new fund, may agree to the extension of such agreement to some or all of the amounts in the old fund.

(2) In the case of any extension of an agreement pursuant to paragraph (1)(C), each item in the old fund to be transferred shall be transferred in a nontaxable transaction to the appropriate account in the new fund established under this section. For purposes of subsection (h)(3)(C) of this section, the date of the deposit of any item so transferred shall be July 1, 1971, or the date of the deposit in the old fund, whichever is the later.

(k) Definitions

For purposes of this section—

(1) The term "eligible vessel" means any vessel—

(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

(B) documented under the laws of the United States, and

(C) operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

Any vessel which (i) was constructed outside of the United States but documented under the laws of the United States on April 15, 1970, or (ii) constructed outside the United States for use in the United States foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the requirements of subparagraph (A) of this paragraph and the requirements of subparagraph (A) of paragraph (2).

(2) The term "qualified vessel" means any vessel—

(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

(B) documented under the laws of the United States, and

(C) which the person maintaining the fund agrees with the Secretary will be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States.

(3) The term "agreement vessel" means any eligible vessel or qualified vessel which is subject to an agreement entered into under this section.

(4) The term "United States", when used in a geographical sense, means the continental United States including Alaska, Hawaii, and Puerto Rico.

(5) The term "United States foreign trade" includes (but is not limited to) those areas in domestic trade in which a vessel built with construction-differential subsidy is permitted to operate under the first sentence of section 1156 of this Appendix.

(6) The term "joint regulations" means regulations prescribed under subsection (*l*) of this section.

(7) The term "vessel" includes cargo handling equipment which the Secretary determines is intended for use primarily on the vessel. The term "vessel" also includes an ocean-going towing vessel or an ocean-going barge or comparable towing vessel or barge operated on the Great Lakes.

(8) The term "noncontiguous trade" means (i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade from any point in Alaska, Hawaii, Puerto Rico, and such territories and possessions to any other point in Alaska, Hawaii, Puerto Rico, and such territories and possessions.

(9) The term "Secretary" means the Secretary of Commerce with respect to eligible or qualified vessels operated or to be operated in the fisheries of the United States, and the Secretary of Transportation with respect to all other vessels.

(*l*) Records; reports; rules and regulations; termination of agreement upon changes in regulations with substantial effect on rights or obligations

Each person maintaining a fund under this section shall keep such records and shall make such reports as the Secretary or the Secretary of the Treasury shall require. The Secretary of the Treasury and the Secretary shall jointly prescribe all rules and regulations, not inconsistent with the foregoing provisions of this section, as may be necessary or appropriate to the determination of tax liability under this section. If, after an agreement has been entered into under this section, a change is made either in the joint regulations or in the regulations prescribed by the Secretary under this section which could have a substantial effect on the rights or obligations of any person maintaining a fund under this section, such person may terminate such agreement.

(June 29, 1936, ch. 858, title VI, § 607, 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23-28, 52 Stat. 960, 961; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17-19, 66 Stat. 764, 765; Aug. 14, 1958, Pub. L. 85-637, 72 Stat. 592; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; May 27, 1961, Pub. L. 87-45, § 6, 75 Stat. 91; Sept. 21, 1961, Pub. L. 87-271, 75 Stat. 570; Oct. 21, 1970, Pub. L. 91-469, § 21(a), 84 Stat. 1026; Oct. 1, 1973, Pub. L. 93-116, 87 Stat. 421; Aug. 6, 1981, Pub. L. 97-31, § 12(97), 95 Stat. 162.)

REFERENCES IN TEXT

The Internal Revenue Code of 1954, referred to in subsecs. (d)(1) and (h)(3), is classified generally to Title 26, Internal Revenue Code.

Section 1371 of the Internal Revenue Code of 1954, referred to in subsec. (g)(3)(A), means section 1371, which was classified to section 1371 of Title 26, Internal Revenue Code, as it existed prior to the general amendment of subchapter S (§ 1371 et seq.) of chapter 1 of Title 26 by Pub. L. 97-354, § 2, Oct. 19, 1982, 96 Stat. 1669. For definition of an S corporation, see section 1361 of Title 26.

AMENDMENTS

1981—Subsecs. (a), (c), (f), (h)(4). Pub. L. 97-31, § 12(97)(A), substituted "Secretary" for "Secretary of Commerce" wherever appearing.

Subsec. (k). Pub. L. 97-31, § 12(97), substituted in pars. (2)(C) and (7) "Secretary" for "Secretary of Commerce" and added par. (9).

Subsec. (*l*). Pub. L. 97-31, § 12(97)(A), substituted "Secretary" for "Secretary of Commerce" wherever appearing.

1973—Subsec. (k)(8). Pub. L. 93-116 substituted "(ii) trade from any point in Alaska, Hawaii, Puerto Rico, and such territories and possessions to any other point in Alaska, Hawaii, Puerto Rico, and such territories and possessions." for "(ii) trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and (iii) trade between the islands of Hawaii."

1970—Pub. L. 91-469 revised tax deferred reserve fund provisions generally, extended tax deferral privilege to vessels operated in nonsubsidized foreign trade, noncontiguous domestic trade, Great Lakes trade, and in fisheries, built in the United States, and documented under her laws, and substituted a new statutory framework consisting of subsecs. (a) to (*l*) for determination of tax status of deposits into and withdrawals from the fund for former subsecs. (a) to (h) and providing as follows:

Subsec. (a), a capital construction fund, agreement rules, persons eligible, replacement, additional, or reconstructed vessels for prescribed trade and fishery operations, amount of deposits, annual limitation, and conditions and requirements for deposits and withdrawals, subsec. (a) formerly permitting a 10 percent distribution of net profits;

Subsec. (b), ceiling on deposits, deposits of lessees, and definition of "agreement vessel", subsec. (b) formerly providing for a capital reserve fund, deposits, and allowable disbursements;

Subsec. (c), investment requirements, depositories, fiduciary requirements, investment in interest-bearing certificates (formerly provided in former subsec. (d)(2) of this section), stock investments, including common stock treatment of preferred issues, percentage for domestic issues, listing and registration, prudent man acquisitions (provisions formerly covered in former subsec. (d)(3)(A) of this section), and value and percentage equilibrium, subsec. (c) formerly providing for creation of a special reserve fund, deposits, and allowable disbursements;

Subsec. (d), nontaxability of deposits and eligible deposits, subsec. (d) formerly providing rules and regulations for administration of reserve funds and investment of funds, now covered in subsec. (c) of this section;

Subsec. (e), capital account, capital gain account, and ordinary income account within the capital construction fund and limitation on losses, subsec. (e) formerly providing for withdrawals from capital reserve fund to meet needs due to operating losses;

Subsec. (f), purposes of qualified withdrawals and nonqualified withdrawal treatment for nonfulfillment of substantial obligations, subsec. (f) formerly providing for title to reserve funds on termination of contract;

Subsec. (g), tax treatment of qualified withdrawals and reduction of basis, subsec. (g) formerly providing for increase and transfer of reserve funds and interest on overpayment of taxes;

Subsec. (h), tax treatment of nonqualified withdrawals, FIFO and LIFO bases, and interest rate, subsec. (h) formerly providing for exemption of reserve funds from taxation, in effect a tax deferral;

Subsec. (i), corporate reorganizations and partnership changes;

Subsec. (j), treatment of existing funds and relation of old to new funds;

Subsec. (k), definitions; and

Subsec. (*l*), records, reports, rules, and regulations, and termination of agreement upon changes in regulations with substantial effect on rights or obligations.

1961—Subsec. (b). Pub. L. 87-271 authorized the contractor, upon consent of the Secretary of Commerce, to pay amounts from the capital reserve fund for research, development, and design expenses for new and advanced ship design machinery and equipment, purchase of cargo containers delivered after June 30, 1959, payment of principal on indebtedness incurred for containers, and for reimbursing the contractor's general funds for expenditures for such purchases or payments, and required such cargo containers, to the extent paid for out of the capital reserve fund, to be treated as vessels for purpose of deposits and withdrawals from the fund, except that depreciation thereon shall be based on life expectancy used for such containers in determination of "net earnings" in subsec. (d)(1) of this section.

Pub. L. 87-45 inserted "and on cruises, if any, authorized under section 1183 of this Appendix" after "route or service approved by the Secretary" in second par.

1960—Subsec. (b). Pub. L. 86-518 substituted "twenty-five-year life expectancy" for "twenty-year life expectancy".

1958—Subsec. (d). Pub. L. 85-637 designated the first and second paragraphs as subdivisions (1) and (2), and added subdivision (3).

1952—Subsec. (b). Act July 17, 1952, § 17, permitted the recomputation of the life-expectancy of a reconstructed or reconditioned vessel in use under an operating-differential subsidy contract, and provided for recomputation of depreciation changes.

Subsec. (d). Act July 17, 1952, § 18, substituted "as provided for in section 1177(b) of this Appendix" after "life of the vessel" for "being twenty years".

Subsec. (g). Act July 17, 1952, § 19, barred payment of interest by Government on overpayment of taxes resulting from voluntary deposits of earnings.

1939—Subsec. (c)(3). Act Aug. 4, 1939, permitted payment from the capital reserve fund, and authorized payment from other assets of the contractor if assets have not been repaid to the reserve funds, or if prepayments of amounts not due before one year after the date of termination of the contract have been made from the capital reserve funds.

1938—Subsec. (b). Act June 23, 1938, §§ 23, 24, substituted "insurance and indemnities" for "insurance indemnities" in the first paragraph, and inserted provisions requiring deposit of proceeds of any sale or other disposition of a vessel in the capital reserve funds, and to permit the contractor to pay from the fund any sums owing but not yet due on notes secured by mortgages on subsidized vessels.

Subsec. (c). Act June 23, 1938, § 25, substituted "If the profits, without regard to capital gains and capital losses, earned by the business of the subsidized vessels and services incident thereto exceed 10 per centum per annum and exceed the percentage of profits deposited in the capital reserve fund, as provided in subsection (b) of this section, the contractor shall deposit annually such excess profits in this reserve fund" for "In this reserve fund, the contractor shall deposit annually the profits earned by the business of the subsidized vessels and services incident thereto in excess of 10 per centum per annum and in excess of the percentage of profits deposited in the capital reserve fund, as provided in subsection (b) of this section", in second par.

Subsec. (c)(2). Act June 23, 1938, § 26, substituted "will be made up" for "will not be made up".

Subsecs. (f), (g). Act June 23, 1938, § 27, added subsecs. (f) and (g). Former subsec. (f) redesignated (h).

Subsec. (h). Act June 23, 1938, § 28, redesignated former subsec. (f) as subsec. (h) and made earnings withdrawn from the special reserve fund taxable as if earned during the year of withdrawal from the fund.

Effective Date of 1970 Amendment

Section 21(b) of Pub. L. 91-469 provided that: "The amendment made by subsection (a) [amending this section] shall apply to taxable years beginning after December 31, 1969."

Effective Date of 1960 Amendment

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Deposits Into Capital Reserve Fund

Pub. L. 92-507, § 6, Oct. 19, 1972, 86 Stat. 917, provided that: "Nothing in this Act [enacting this note and amending subchapter XI of this chapter] shall limit or affect the right of an obligor who maintains a capital reserve fund under section 607 of the Merchant Marine Act, 1936 [this section] to make deposits of the proceeds of guaranteed obligations into such capital reserve fund as provided in subparagraph (c) of condition (6) of section 1107 of the Merchant Marine Act, 1936 [subparagraph (c) of condition (6) of section 1276a of former Title 46, Shipping], as in effect prior to the effective date of this Act [Oct. 9, 1972]."

Rate of Depreciation for Vessels Delivered by Shipbuilder On or After January 1, 1946, and Before January 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Revision of Contracts, Commitments To Insure Mortgages, Mortgages, and Mortgage Insurance Contracts Entered Into Prior to June 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Commercial Expectancy or Period of Depreciation of Tankers and Other Liquid Bulk Carriers

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1177-1, 1185, 1244 of this Appendix; title 26 sections 46, 134, 543; title 42 section 9141.

§ 1177-1. Small fishing vessel construction reserves

In addition to any other vessel which may be deemed an "eligible vessel" and a "qualified vessel" under section 1177 of this Appendix, a commercial fishing vessel under five net tons but not under two net tons—

(1) which is constructed in the United States and, if reconstructed, is reconstructed in the United States;

(2) which is owned by a citizen of the United States;

(3) which has a home port in the United States; and

(4) which is operated in the commercial fisheries of the United States,

shall be considered to be an "eligible vessel" and a "qualified vessel" for the purposes of such section 1177 of this Appendix.

(Pub. L. 94-455, title VIII, § 807, Oct. 4, 1976, 90 Stat. 1606.)

Codification

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

§ 1177a. Deposits in special reserve fund; excusal; tax treatment

On and after June 13, 1957, to the extent that the operating-differential subsidy accrual (computed on the basis of parity) is represented on the operator's books by a contingent accounts receivable item against the United States as a partial or complete offset to the recapture accrual, the operator (1) shall be excused from making deposits in the special reserve fund, and (2) as to the amount of such earnings the deposit of which is so excused shall be entitled to the same tax treatment as though it had been deposited in said special reserve fund. To the extent that any amount paid to the operator by the United States reduces the balance in the operator's contingent receivable account against the United States, such amount shall forthwith be deposited in the special reserve fund of the operator.

(Pub. L. 85-52, title I, § 101, June 13, 1957, 71 Stat. 73.)

Codification

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

§ 1178. Sale or assignment of contract; consent of Secretary; purchaser subject to terms of contract; rescinding contract on transfer without consent

No contract executed under this subchapter or any interest therein shall be sold, assigned, or transferred, either directly or indirectly, or through any reorganization, merger, or consolidation, nor shall any agreement or arrangement be made by the holder whereby the maintenance, management, or operation of the service, route, line, vessel, or vessels is to be performed by any other person, without the written consent of the Secretary of Transportation. If he consents to such agreement or arrangement, the agreement or arrangement shall make provision whereby the person undertaking such maintenance, management, or operation agrees to be bound by all of the provisions of the contract and of this chapter applicable thereto, and the rules and regulations prescribed pursuant to this chapter. If the holder of any such contract shall voluntarily sell such contract or any interest therein, or make such assignment, transfer, agreement, or arrangement whereby the maintenance, management, or operation of the service, route, line, vessel, or vessels is to be performed by any other person, without the consent of the Secretary of Transportation, or if the operation of the service, route, line, or vessel, shall pass out of the direct control of the holder of such contract by reason of any voluntary or involuntary receivership or bankruptcy proceedings, the Secretary of Transportation shall have the right to modify or rescind such contract, without further liability thereon by the United States, and is vested with exclusive jurisdiction to determine the purposes for which any payments made by him under such contract shall be expended.

(June 29, 1936, ch. 858, title VI, § 608, 49 Stat. 2007; Aug. 6, 1981, Pub. L. 97-31, § 12(98), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in three places and "he" and "him" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1179. Withholding payment to defaulting contractor

The Secretary of Transportation shall withhold the payment of operating-differential subsidy while any contractor therefor is in default in any payments due on account of construction-loan, ship-sales mortgage notes, or any other obligation due the United States, and shall apply the amount so withheld to the satisfaction of such debt.

(June 29, 1936, ch. 858, title VI, § 609, 49 Stat. 2007; June 23, 1938, ch. 600, § 29, 52 Stat. 961; Aug. 6, 1981, Pub. L. 97-31, § 12(99), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1938—Act June 23, 1938, repealed subsec. (b), which related to cancelation or modification of a contract where a contractor filed bankruptcy or was in default of payments.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1180. Vessels eligible to subsidy

An operating-differential subsidy shall not be paid under authority of this subchapter on account of the operation of any vessel which does not meet the following requirements: (1) The vessel shall be of steel or other acceptable metal, shall be propelled by steam or motor, shall be as nearly fireproof as practicable, shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date, and shall be documented under the laws of the United States, during the entire life of the subsidy contract; and (2) if the vessel shall be constructed after June 29, 1936 it shall be either a vessel constructed according to plans and specifications approved by the Secretary of Transportation and the Secretary of the Navy, with particular reference to economical conversion into an auxiliary naval vessel, or a vessel approved by the Secretary of Transportation and the Navy Department as otherwise useful to the United States in time of national emergency.

(June 29, 1936, ch. 858, title VI, § 610, 49 Stat. 2007; Aug. 6, 1981, Pub. L. 97-31, § 12(99), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1152 of this Appendix.

§ 1181. Transfer of vessels to foreign registry on default of United States

(a) Application; hearing; grant or denial

The contractor, upon compliance with the provisions of this section, may transfer to foreign registry the vessels covered by any operating-differential subsidy contract held by him, in the event that the United States defaults upon such contract or cancels it without just cause. Any contractor desiring to transfer any such vessel to foreign registry upon such default or cancelation shall file an application in writing with the Secretary of Transportation setting forth its contentions with respect to the lack of just cause or lawful grounds for such default or cancelation. The Secretary of Transportation shall afford the contractor an opportunity for a hearing within twenty days after such contractor files written application therefor, and after the testimony, if any, in such hearing has been reduced to writing and filed with the Secretary of Transportation, he shall, within a reasonable time, grant or deny the application by order.

(b) Appeal from denial of application

If any such application is denied, the contractor may obtain a review of the order of denial in the United States Court of Appeals for the District of Columbia, by filing in such court, within twenty days after the entry of such order, a written petition praying that the order of the Secretary of Transportation be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of Transportation or any officer designated by him for that purpose, and thereupon the Secretary of Transportation shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28. Upon the filing of such petition such court shall have exclusive jurisdiction to determine whether such cancelation or default was without just cause, and to affirm or set aside such order. The judgment and decree of the court affirming or setting aside any such order of the Secretary of Transportation shall be final.

(c) Effectiveness of transfer

No transfer of vessels to foreign registry under this section shall become effective until any indebtedness to the Government or to any citizen of the United States, secured by such vessels, has been paid or discharged, and until after the expiration of ninety days from the date of final determination of the application or the appeal, if any. Within such ninety-day period the Secretary of Transportation may (1) with the consent of the contractor purchase the vessels at cost to the contractor plus cost of capital improvements thereon, less 4 per centum annual depreciation upon such vessel, and the actual depreciated costs of capital improvements thereon, or (2) reinstate the contract and adjust or settle the default found by the Secretary of Transportation or the court to exist.

(June 29, 1936, ch. 858, title VI, § 611, as added June 23, 1938, ch. 600, § 30, 52 Stat. 961, and amended Aug. 28, 1958, Pub. L. 85-791, § 17, 72 Stat. 947; June 12, 1960, Pub. L. 86-518, § 4, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(100), 95 Stat. 162.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(100)(A), (B), substituted "Secretary of Transportation" for "Commission" in three places and "he" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31, § 12(100)(A), (C), substituted "Secretary of Transportation" for "Commission" in three places and "the Secretary of Transportation or any other officer designated by him for that purpose" for "any member of the Commission, or any officer thereof designated by the Commission for that purpose". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (c). Pub. L. 97-31, § 12(100)(A), substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Subsec. (c). Pub. L. 86-518 substituted "4 per centum" for "5 per centum".

1958—Subsec. (b). Pub. L. 85-791, in second sentence, substituted "transmitted by the clerk of the court to" for "served upon", struck out "upon" before "any officer", substituted "file in the court" for "certify and file in the court a transcript of", and inserted "as provided in section 2112 of title 28", and which, in third sentence, substituted "petition" for "transcript".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

RATE OF DEPRECIATION FOR VESSELS DELIVERED BY SHIPBUILDER ON OR AFTER JANUARY 1, 1946, AND BEFORE JANUARY 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 808 of this Appendix.

§ 1182. Subordination of Secretary's interest to Reconstruction Finance Corporation

The Secretary of Transportation is authorized to subordinate his interest as mortgagee in any vessel subsidized under the provisions of this subchapter in favor of any loan for working capital made by the Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as amended [15 U.S.C. 601 et seq.], if the Secretary of Transportation finds that the making of such loan by the Reconstruction Finance Corporation would be in furtherance of the policies of this chapter or would, in his opinion, preserve or protect his mortgage interest in said subsidized vessel: *Provided*, That the obligations evidencing such loans by the Reconstruction Finance Corporation shall not be transferred, except to some other governmental agency.

(June 29, 1936, ch. 858, title VI, § 612, as added June 23, 1938, ch. 600, § 30, 52 Stat. 961, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(101), 95 Stat. 162.)

REFERENCES IN TEXT

The Reconstruction Finance Corporation Act, as amended, referred to in text, is act Jan. 22, 1932, ch. 8, 47 Stat. 5, as amended, which was classified to chapter 14 (§ 601 et seq.) of Title 15, Commerce and Trade, and has been eliminated from the Code. For complete classification of this Act prior to its elimination from the Code, see Tables.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "his" for "its" in three places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

§ 1183. Off-season cruises by passenger vessels

(a) "Passenger vessel" defined

In this section, "passenger vessel" means a vessel which (1) is of not less than ten thousand gross tons, and (2) has accommodations for not less than one hundred passengers.

(b) Authorization for payment of subsidy

If the Secretary of Transportation finds that the operation of any passenger vessel with respect to which a contract for the payment of an operating-differential subsidy has been entered into under section 1173 of this Appendix effective before January 2, 1960, is not required for all of each year, in order to furnish adequate service on the service, route, or line covered by such contract, he may amend such contract to agree to pay an operating-differential subsidy for operation of the vessel (1) on such service, route, or line for some part or no part of each year, and (2) on cruises for all or part of each year if such specific cruise is approved by the Secretary of Transportation under subsection (e) of this section: *Provided, however*, That no such vessel may cruise for more than seven months of each year to ports which are regularly served by another United States-flag passenger vessel pursuant to an operating-differential subsidy contract.

(c) Authorization for payment of subsidy to passenger vessels providing domestic service

The Secretary of Transportation may authorize passenger vessels under operating-differential subsidy contracts to provide domestic service between specified ports while the vessels are on voyages in an essential service in the foreign commerce of the United States without reduction of operating-differential subsidy and the partial payback of construction-differential subsidy for operating in the domestic trades, if he finds that such domestic service will not result in a substantial deviation from the service, route, or line for which operating-differential subsidy is paid and will not adversely affect service on such service, route, or line.

(d) Conditions for cruises or domestic service while on voyages in an essential service in foreign commerce

When a vessel is being operated on cruises or has been authorized under this section to provide domestic passenger services while on voyages in an essential service in foreign commerce of the United States—

(1) except as provided in subdivision (4) of this subsection, it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic offshore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however*, That nothing herein shall be construed to repeal or modify section 1223(a) of this Appendix.

(4) Any other provisions of this chapter or of the Shipping Act, 1916 [46 App. U.S.C. 801 et seq.], to the contrary notwithstanding, with the approval of the Secretary of Transportation, it may carry cargo and mail between ports to the extent such carriage is not in direct competition with a carrier offering United States-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering United States-flag berth service between such ports, with the consent of the next scheduled United States-flag carrier, which consent shall not be unreasonably withheld in the judgment of the Maritime Administrator.

Section 1175(c) of this Appendix shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of sections 1175(a) and 1156 of this Appendix requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under sections 1175(a) and 1156, respectively, of this Appendix, shall not apply to cruises or domestic services authorized under this section.

(e) Application for approval of cruise; notice to other American flag operators

Upon the application of any operator for approval of a specific cruise, the Secretary of

Transportation, after notice to all other American flag operators who may be affected and after affording all such operators an opportunity to submit written data, views or arguments, with or without opportunity to present the same orally in any manner, and after consideration of all relevant matter presented, shall approve the proposed cruise, if he determines that the proposed cruise will not substantially adversely affect an existing operator's service performed with passenger vessels of United States registry. Such approval shall not be given more than two years in advance of the beginning of the cruise.

(June 29, 1936, ch. 858, title VI, § 613, as added May 27, 1961, Pub. L. 87-45, § 1, 75 Stat. 89, and amended June 22, 1968, Pub. L. 90-358, §§ 1, 2, 82 Stat. 248; May 14, 1970, Pub. L. 91-250, 84 Stat. 215; June 30, 1972, Pub. L. 92-323, 86 Stat. 389; Aug. 6, 1981, Pub. L. 97-31, § 12(102), 95 Stat. 162.)

References in Text

The Shipping Act, 1916, referred to in subsec. (d)(4), is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

Amendments

1981—Subsec. (b). Pub. L. 97-31, § 12(102)(A), substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

Subsec. (c). Pub. L. 97-31, § 12(102)(A), (B), substituted "Secretary of Transportation" for "Secretary of Commerce" and "he" for "it".

Subsec. (d)(4). Pub. L. 97-31, § 12(102)(A), substituted "Secretary of Transportation" for "Secretary of Commerce".

Subsec. (e). Pub. L. 97-31, § 12(102)(B), (C), substituted "Secretary of Transportation" for "Board" and "he" for "it". For prior transfers of functions of the Board, meaning the Federal Maritime Board, see Transfer of Functions note set out below.

1972—Subsec. (b). Pub. L. 92-323, § 1(a), substituted provisions authorizing the Secretary of Commerce to permit passenger vehicles with respect to which an operating differential subsidy contract was entered into prior to January 2, 1960, to cruise for the whole year, for provisions permitting such passenger vessels to cruise off their essential trade routes for two-thirds of each year.

Subsec. (d). Pub. L. 92-323, § 1(b), added subd. (4) and qualified subd. (1) by making it subject to the provisions in subd. (4).

Subsec. (e). Pub. L. 92-323, § 1(c), changed phraseology.

1970—Subsec. (b). Pub. L. 91-250, § 1(a), substituted "(e)" for "(d)" after "under subsection".

Subsec. (c). Pub. L. 91-250, § 1(b), substituted provision that Secretary of Commerce may authorize passenger vessels under operating-differential subsidy contracts to provide domestic service between specified ports under stated conditions, for provision stating conditions for operating passenger vessels on cruises.

Subsec. (d). Pub. L. 91-250, § 1(c), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 91-250, § 1(c), (d), redesignated former subsec. (d) as (e). Former subsec. (e), which defined seacoasts of the United States, was eliminated.

1968—Subsec. (b). Pub. L. 90-358, § 1, substituted reference to passenger vessels with respect to which a contract for the payment of an operating-differential subsidy has been entered into under section 1173 of this Appendix effective before January 2, 1960, for reference to passenger vessels with respect to which an application for operating-differential subsidy has been filed under section 1171 of this Appendix, increased from four to eight months of each year the length of the period during which vessels may engage in cruises, and limited the cruising period each year to seven months in the case of ports regularly served by another United States-flag passenger vessel pursuant to an operating-differential subsidy contract.

Subsecs. (d) to (f). Pub. L. 90-358, § 2(a), (b), redesignated subsecs. (e) and (f) as (d) and (e), respectively. Former subsec. (d), making provision for periodic review of operating differential subsidy contracts entered into under this subchapter and for amendment of such contracts, was repealed.

Transfer of Functions

For transfer of functions of Federal Maritime Board, see Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 865a, 1171, 1172, 1173, 1176, 1183a of this Appendix.

§ 1183a. Off-season cruises additional to right of operator to make voyages on regular service, route, or line, including approved deviations

The cruises authorized by section 1183 of this Appendix shall be in addition to and not in derogation of the right of an operator to make voyages on his regular service, route or line, including approved deviations within the general area of his essential service. There shall be no adjustment of subsidy in the event of such deviations if they are without prejudice to the adequacy of service.

(Pub. L. 87-45, § 7, May 27, 1961, 75 Stat. 91.)

Codification

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

§ 1184. Suspension of operating differential subsidy contracts by operator recipients

(a) Any operator receiving operating differential subsidy funds may elect, for all or a portion of its ships, to suspend its operating differential subsidy contract with all attendant statutory and contractual restrictions, except as to those pertaining to the domestic intercoastal or coastwise service, including any agreement providing for the replacement of vessels, if—

(1) the vessel is less than ten years of age;

(2) the suspension period is not less than twelve months;

(3) the operator's financial condition is maintained at a level acceptable to the Secretary of Commerce; and

(4) the owner agrees to pay to the Secretary, upon such terms and conditions as he may prescribe, an amount which bears the same proportion to the construction differential subsidy paid by the Secretary as the portion of the suspension period during which the vessel is operated in any preference trade from which a subsidized vessel would otherwise be excluded by law or contract bears to the entire economic life of the vessel.

(b) Any operator making an election under this section is entitled to full reinstatement of the suspended contract on request. The Secretary of Commerce may prescribe rules and regulations consistent with the purpose of this section.

(June 29, 1936, ch. 858, § 614, as added Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1603, 95 Stat. 751.)

§ 1185. Construction, reconstruction, or acquisition of vessels over five thousand deadweight tons in foreign shipyards; preconditions

(a) The Secretary of Commerce may, until September 30, 1983, authorize an operator receiving or applying for operating differential subsidy under this subchapter to construct, reconstruct, or acquire its vessels of over five thousand deadweight tons in a foreign shipyard if the Secretary finds and certifies in writing that such operator's application for construction differential subsidy cannot be approved due to the unavailability of funds in the construction differential subsidy account. Vessels constructed, reconstructed, or modified pursuant to this section shall be deemed to have been United States built for the purposes of this subchapter, section 1241(b) of this Appendix, and sections 3704 to 3709 of title 46: *Provided*, That the provisions of section 1177 of this Appendix shall not apply to vessels constructed, reconstructed, modified, or acquired pursuant to this section.

(b) The provisions of this section shall be effective for fiscal year 1983 only if the President in his annual budget message for that year requests at least $100,000,000 in construction differential subsidy or proposes an alternate program that would create equivalent merchant shipbuilding activity in privately owned United States shipyards and the Secretary reports to Congress on the effect such action will have on the shipyard mobilization base at least thirty days prior to making the certification referred to in subsection (a) of this section.

(June 29, 1936, ch. 858, § 615, as added Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1610, 95 Stat. 753.)

CODIFICATION

In subsec. (a), "sections 3704 to 3709 of title 46" was substituted for "section 5(7) of the Port and Tanker Safety Act of 1978 [46 U.S.C. 391a(7)]" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

SUBCHAPTER VII—PRIVATE CHARTER OPERATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1131, 1152, 1160, 1161, 1211, 1222, 1223, 1226, 1227, 1228 of this Appendix; title 50 section 198; title 50 App. section 1738.

§ 1191. Additional powers of Secretary for completion of program

Whenever the Secretary of Transportation shall find and determine, and such finding and determination shall be approved by the President of the United States, that the national policy declared in section 1101 of this Appendix, and the objectives set forth in section 1120 of this Appendix, cannot be fully realized within a reasonable time, in whole or in part, under the provisions of subchapters V and VI of this chapter, the Secretary of Transportation is authorized and directed to complete his long-range program previously adopted as provided in this subchapter.

(June 29, 1936, ch. 858, title VII, § 701, 49 Stat. 2008; Aug. 6, 1981, Pub. L. 97-31, § 12(103), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

FINDING OF COMMISSION

Former United States Maritime Commission made findings and determinations on Apr. 28, 1938, which were approved by the President on Apr. 29, 1938, that the national policy declared in section 1101 of this Appendix and the objectives set forth in section 1120 of this Appendix could not with respect to construction of new vessels be fully realized within a reasonable time under the provisions of subchapters V and VI of this chapter.

CROSS REFERENCES

Operational and charter authority for vessels acquired under emergency powers, see section 196 of Title 50, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1196 of this Appendix.

§ 1192. Construction or reconditioning of vessels by Secretary

The Secretary of Transportation is authorized to have constructed in shipyards in the continental United States such new vessels as he shall determine may be required to carry out the objects of this chapter, and to have old vessels reconditioned or remodeled in such yards: *Provided*, That if satisfactory contracts for such new construction or reconstruction, in accordance with the provisions of this chapter, cannot be obtained from private shipbuilders, the Secretary of Transportation is authorized to have such vessels constructed, reconditioned, or remodeled in United States navy yards. For the purposes of this section, the term "continental United States" includes the States of Alaska and Hawaii.

(June 29, 1936, ch. 858, title VII, § 702, 49 Stat. 2008; Aug. 28, 1957, Pub. L. 85-191, 71 Stat. 471; July 12, 1960, Pub. L. 86-624, § 35(c), 74 Stat. 421; Aug. 6, 1981, Pub. L. 97-31, § 12(104), 95 Stat. 162.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "he" for "it". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Pub. L. 86-624 inserted definition of "continental United States."

1957—Pub. L. 85-191 substituted "in shipyards in the continental United States" for "in domestic yards, on the Atlantic and Gulf and Pacific coasts,".

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1196 of this Appendix.

§ 1193. Competitive bidding

(a) Construction, reconstruction, or reconditioning of vessels

No contract for the building of a new vessel, or for the reconditioning or reconstruction of any other vessel, shall be made by the Secretary of Transportation with any private shipbuilder, except after due advertisement and upon sealed competitive bids.

(b) Requirements

All contracts for the construction, reconditioning, or reconstruction of a vessel or vessels by a private shipbuilder under authority of this subchapter shall be subject to all the provisions and requirements prescribed in subchapter V of this chapter with respect to contracts with a private shipbuilder for the construction of vessels under authority of said subchapter.

(c) Opening of bids

All bids required by the Secretary of Transportation for the construction, reconstruction, or reconditioning of vessels, and for the chartering of the Secretary's vessels hereinafter provided for, shall be opened at the time, hour, and place stated in the advertisement for bids, and all interested persons, including representatives of the press, shall be permitted to attend, and the results of such bidding shall be publicly announced.

(June 29, 1936, ch. 858, title VII, § 703, 49 Stat. 2008; Aug. 6, 1981, Pub. L. 97-31, § 12(105), 95 Stat. 163.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(105)(A), substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (c). Pub. L. 97-31, § 12(105), substituted "Secretary of Transportation" for "Commission" and "Secretary's" for "Commission's". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1196 of this Appendix.

§ 1194. Charter or sale of vessels acquired by Department of Transportation

All vessels transferred to or otherwise acquired by the Department of Transportation in any manner may be chartered or sold by the Secretary of Transportation pursuant to the further provisions of this chapter.

(June 29, 1936, ch. 858, title VII, § 704, 49 Stat. 2008; Apr. 1, 1937, ch. 64, 50 Stat. 57; Aug. 6, 1981, Pub. L. 97-31, § 12(106), 95 Stat. 163.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Department of Transportation" for "Commission" the first place it appeared and "Secretary of Transportation" for "Commission" the second place it appeared, and struck out provisions relating to discontinuance of operation of Commission's vessels on lines in foreign commerce under operating agreements within one year after June 27, 1936. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1937—Act Apr. 1, 1937, substituted "may be temporarily operated" for "shall be temporarily operated", required preference to be given to present operators, permitted private operators to commence voyages prior to the expiration date and to complete them thereafter, and inserted provisions providing that nothing contained in this section should be construed as limiting the power of sale under section 1195 of this Appendix.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

AUTHORITY FOR WARTIME SALE OR CHARTER REPEALED

Act May 14, 1940, ch. 201, § 2, 54 Stat. 216, as extended June 16, 1942, ch. 416, 56 Stat. 370, which related to sale or charter of vessels by United States Maritime Commission until six months after the end of World War II should have been proclaimed or such earlier time as the Congress by concurrent resolution or the President might designate, was repealed by act July 25, 1947, ch. 327, § 1, 61 Stat. 449.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1196 of this Appendix.

§ 1195. Employment of vessels on foreign trade routes; selection of routes; encouraging private operation by sale or charter; selling price

As soon as practicable after June 29, 1936, and continuing thereafter, the Secretary of Transportation shall arrange for the employment of the Department of Transportation's vessels in steamship lines on such trade routes, exclusively serving the foreign trade of the United States, as the Secretary of Transportation shall determine are necessary and essential for the development and maintenance of the commerce of the United States and the national defense: *Provided*, That such needs are not being adequately served by existing steamship lines privately owned and operated by citizens of the United States and documented under the laws of the United States. It shall be the policy of the Secretary of Transportation to encourage private operation of each essential steamship line now owned by the United States by selling such lines to citizens of the United States in the manner provided in section 866 of this Appendix, and in strict accordance with the provisions of section 864 of this Appendix, or by demising his vessels on bare-boat charter to citizens of the United States who shall agree to maintain such line or lines in the manner hereinafter provided. No vessel constructed under the provisions of this chapter, as amended, shall be sold by the Secretary of Transportation for operation in the foreign trade for a sum less than the estimated foreign construction cost exclusive of national defense features (determined as of the date the construction contract therefor is executed) less depreciation based on a twenty-five year life, nor shall any such vessel be sold by the Secretary of Transportation for operation in the domestic trade for a sum less than the cost of construction in the United States exclusive of national defense features less depreciation based on a twenty-five year life.

(June 29, 1936, ch. 858, title VII, § 705, 49 Stat. 2009; Aug. 4, 1939, ch. 417, § 11(a), 53 Stat. 1185; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(107), 95 Stat. 163.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in four places, "the Department of Transportation's vessels" for "its vessels", and "his vessels" for "its vessels". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1960—Pub. L. 86-518 substituted "twenty-five-year life" for "twenty-year life" in two places.

1939—Act Aug. 4, 1939, prohibited the sale of any vessel constructed under this chapter for operation in the foreign trade for a sum less than the estimated foreign construction cost exclusive of national defense features less depreciation based on a 20 year life, nor for operation in the domestic trade for a sum less than the cost of construction in the United States exclusive of national defense features less depreciation based on a 20 year life.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

RATE OF DEPRECIATION FOR VESSELS DELIVERED BY SHIPBUILDER ON OR AFTER JANUARY 1, 1946, AND BEFORE JANUARY 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1196 of this Appendix.

§ 1196. Advertising for bids for charters; rejection of bids

(a) The Secretary of Transportation shall not charter the Department of Transportation's vessels to private operators except upon competitive sealed bids submitted in strict compliance with all the terms and conditions of a public advertisement soliciting such bids. Each and every advertisement for bids to charter the Department of Transportation's vessels shall state the number, type, and tonnage of the vessels the Secretary of Transportation is offering for bare-boat charter for operation as a steamship line on a designated trade route, the minimum number of sailings that will be required, the length of time for which the charter will be given, and all other information the Secretary of Transportation shall deem necessary for the information of prospective bidders.

(b) The Secretary of Transportation shall have authority to, and shall announce in his advertisements for bids that the Secretary of Transportation reserves the right to, reject any and all bids submitted. The Secretary of Transportation shall reject any bid for the charter (under sections 1191 to 1203 of this Appendix) of any vessel constructed under the provisions of this chapter, as amended, if the charter hire offered by the bidder is lower than the minimum charter hire for such vessel would be if chartered under the provisions of section 1204 of this Appendix.

(June 29, 1936, ch. 858, title VII, § 706, 49 Stat. 2009; Aug. 4, 1939, ch. 417, § 11(b), 53 Stat. 1186; Aug. 6, 1981, Pub. L. 97-31, § 12(108), 95 Stat. 163.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(108)(A)-(C), substituted "Secretary of Transportation" for "Commission" in three places, "the Department of Transportation's vessels" for "its vessels", and "the Department of Transportation's vessels" for "Commission's vessels". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31, § 12(108)(A), (D), substituted "Secretary of Transportation" for "Commission" in three places and "his" for "its". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1939—Subsec. (b). Act Aug. 4, 1939, required the rejection of any bids for charter if the charter hire offered by the bidder is lower than the minimum charter hire for such vessel would be if chartered under the provisions of section 1204 of this Appendix.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1197. Awarding charter on bids

(a) Highest bid

The Secretary of Transportation shall award the charter to the bidder proposing to pay the highest monthly charter hire unless the Secretary of Transportation shall reject such bid for the reasons set forth in subsection (b) of this section.

(b) Rejection of highest bid

The Secretary of Transportation may reject the highest or most advantageous or any other bid, if, in the Secretary's discretion, the charter hire offered is deemed too low, or the Secretary of Transportation determines that the bidder lacks sufficient capital, credit, or experience to operate successfully the line; but the reason or reasons for rejection of any bid, upon request of the bidder, shall be stated to such bidder in writing.

(c) Next highest bid; rejection of all bids and readvertisement

If the highest bid is rejected, the Secretary of Transportation may award the charter to the next highest bidder, or may reject all bids and readvertise the line: *Provided, however*, That the Secretary of Transportation may operate the line until conditions appear to be more favorable for a reoffering of the line for private charter.

(June 29, 1936, ch. 858, title VII, § 707, 49 Stat. 2009; Aug. 6, 1981, Pub. L. 97-31, § 12(109), 95 Stat. 163.)

Amendments

1981—Subsec. (a). Pub. L. 97-31, § 12(109)(A), substituted "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (b). Pub. L. 97-31, § 12(109), substituted "Secretary of Transportation" for "Commission" in two places and "Secretary's discretion" for "Commission's discretion". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (c). Pub. L. 97-31, § 12(109)(A), substituted "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix.

§ 1198. Payment of subsidies to charterers

The Secretary of Transportation may, if in his discretion financial aid is deemed necessary, enter into a contract with any charterer of his vessels for payment to such charterer of an operating-differential subsidy upon the same terms and conditions and subject to the same limitations and restrictions, where applicable, as are elsewhere provided in this chapter with respect to payments of such subsidies to operators of privately owned vessels.

(June 29, 1936, ch. 858, title VII, § 708, 49 Stat. 2009; June 23, 1938, ch. 600, § 31, 52 Stat. 962; Aug. 6, 1981, Pub. L. 97-31, § 12(110), 95 Stat. 163.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" and "his" for "its" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1938—Act June 23, 1938, inserted ", where applicable," before "as are elsewhere provided".

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix; title 50 App. section 1738.

§ 1199. Excess profit; payment to Secretary; formula for determining profit

(a) Every charter made by the Secretary of Transportation pursuant to the provisions of this subchapter shall provide that whenever, at the end of any calendar year subsequent to the execution of such charter, the cumulative net voyage profits (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 per centum per annum on the charterer's capital necessarily employed in the business of such chartered vessels, the charterer shall pay over to the Secretary of Transportation, as additional charter hire, one-half of such cumulative net voyage profit in excess of 10 per centum per annum: *Provided*, That the cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in subsequent years.

(b) Every charter shall contain a definition of the terms "net voyage profit" and "fair and reasonable overhead expenses", and "capital necessarily employed", as said terms are used in subsection (a) of this section, setting forth the formula for determining such profit and overhead expense and capital necessarily employed, which definitions shall have been previously approved by the Secretary of Transportation and published in the advertisement for bids for such charter.

(June 29, 1936, ch. 858, title VII, § 709, 49 Stat. 2010; Aug. 6, 1981, Pub. L. 97-31, § 12(111), 95 Stat. 163.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places in subsec. (a) and once in subsec. (b). For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1196, 1205 of this Appendix; title 50 App. section 1738.

§ 1200. Undertaking required of charterer

Every charterer of the Secretary of Transportation's vessels shall be required to deposit with the Secretary of Transportation an undertaking with approved sureties as security for the faithful performance of all of the conditions of the charter, including indemnity against liens on the chartered vessels, in such amount as the Secretary of Transportation shall require.

(June 29, 1936, ch. 858, title VII, § 710, 49 Stat. 2010; Aug. 6, 1981, Pub. L. 97-31, § 12(112), 95 Stat. 163.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation's vessels" for "Commission's vessels" and "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix; title 50 App. section 1738.

§ 1201. Terms and conditions of charters

The charters to be made by the Secretary of Transportation pursuant to the provisions of this subchapter shall demise the vessels to the charterer subject to all usual conditions contained in bareboat charters, and until January 1, 1940, shall be for terms of three years or less as the Secretary of Transportation may decide: *Provided*, That after January 1, 1940, charters may be executed by the Secretary of Transportation for such terms as the experience gained by the Secretary of Transportation shall indicate are to the best interests of the United States and the merchant marine.

(June 29, 1936, ch. 858, title VII, § 711, 49 Stat. 2010; Aug. 6, 1981, Pub. L. 97-31, § 12(113), 95 Stat. 163.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in four places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix.

§ 1202. Insurance requirements; repairs; inspection by Secretary; termination of charter in national emergency

Every charter shall provide—

(a) That the charterer shall carry on the chartered vessels, at his own expense, policies of insurance covering all marine and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the Secretary of Transportation shall require and approve, adequate to cover all damages claimed against and losses sustained by the chartered vessels arising during the life of the charter: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Secretary of Transportation himself as in his discretion he may determine.

(b) That the charterer shall at its own expense keep the chartered vessel in good taste of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required by the Secretary of Transportation.

(c) That the Secretary of Transportation shall have the right to inspect the vessel at any and all times to ascertain its condition.

(d) That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Secretary of Transportation may terminate the charter without cost to the United States, upon such notice to the charterers as the President shall determine.

(June 29, 1936, ch. 858, title VII, § 712, 49 Stat. 2010; Aug. 7, 1939, ch. 555, § 1, 53 Stat. 1254; Aug. 6, 1981, Pub. L. 97-31, § 12(114), 95 Stat. 163.)

Amendments

1981—Subsec. (a). Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places, and "himself", "his", and "he" for "itself", "its", and "it", respectively. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsecs. (b) to (d). Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the

United States Maritime Commission, see Transfer of Functions note below.

1939—Subsec. (d). Act Aug. 7, 1939, permitted the termination of a charter whenever the President proclaims that the security of the national defense makes it advisable.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Termination of War and Emergencies

Act July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of subsec. (d) of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

Cross References

War risk insurance, see section 1281 et seq. of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix; title 50 App. section 1738.

§ 1203. Financial resources and other factors considered in awarding charters

In the awarding of charters, the Secretary of Transportation shall take in consideration the charterer's financial resources and credit standing, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving a large investment of his capital; and the Secretary of Transportation is directed to refrain from chartering the Department of Transportation's vessels to any person appearing to lack sufficient capital, credit, and experience to operate successfully the vessel over the period covered by the charter.

(June 29, 1936, ch. 858, title VII, § 713, 49 Stat. 2010; Aug. 6, 1981, Pub. L. 97-31, § 12(115), 95 Stat. 164.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places and "the Department of Transportation's vessels" for "its vessels". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1196 of this Appendix; title 50 App. section 1738.

§ 1204. Construction and chartering of vessels for unsuccessful routes; purchase of vessel by charterer; purchase price; operation of vessel in foreign trade

If the Secretary of Transportation shall find that any trade route (determined by the Secretary of Transportation to be an essential trade route as provided in section 1121 of this Appendix) cannot be successfully developed and maintained and the Secretary of Transportation's replacement program cannot be achieved under private operation of such trade route by a citizen of the United States with vessels registered under the laws thereof, without further Government aid in addition to the financial aids authorized under subchapters V and VI of this chapter, the Secretary of Transportation is authorized to have constructed, in private shipyards or in navy yards, the vessel or vessels of the types deemed necessary for such trade route, and to demise such new vessel or vessels, or bare-boat charter to the American-flag operator established on such trade route, without advertisement or competition, upon an annual charter hire of not less than 4 per centum of the price (herein referred to as the "foreign cost") at which such vessel or vessels would be sold if constructed under subchapter V of this chapter plus an amount equal to (i) the sum of a percentage of the depreciated foreign cost computed annually upon the basis of a twenty-five year life of the vessel determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs. Such charter may contain an option to the charterer to purchase such vessel or vessels from the Secretary of Transportation within five years after delivery thereof under the charter, upon the same terms and conditions as are provided in subchapter V of this chapter for the purchase of new vessels from the Secretary of Transportation, except that (a) the purchase price shall be the foreign cost less depreciation to the date of purchase based upon a twenty-five year life; (b) the required cash payment payable at the time of such purchase shall be 25 per centum of the purchase price as so determined; (c) the charter may provide that all or any part of the charter hire paid in excess of the minimum charter hire provided for in this section may be credited against the cash payment payable at the time of such purchase; (d) the balance of the purchase price shall be paid within the years remaining of the twenty-five years after the date of delivery of the vessel under the charter and in approximately equal annual installments, except that the first of said installments, which shall be payable upon the next ensuing anniversary date of such delivery under the charter, shall be a proportionate part of the annual installment, interest to be payable upon the unpaid balances from the date of purchase, at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs.

Such charter shall provide for operation of the vessel exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at the State of Hawaii, or an island possession or island Territory of the United States, and if the vessel is operated in the domestic trade on any of the above-enumerated services the charterer will pay annually to the Secretary of Transportation that proportion of one-twenty-fifth of the difference between the domestic and foreign cost of such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year.

(June 29, 1936, ch. 858, title VII, § 714, 49 Stat. 2011; June 23, 1938, ch. 600, § 32, 52 Stat. 962; Aug. 4, 1939, ch. 417, § 12, 53 Stat. 1186; Mar. 18, 1959, Pub. L. 86-3, § 18(b)(3), 73 Stat. 12; June 12, 1960, Pub. L. 86-518, § 5, 74 Stat. 216; Oct. 21, 1970, Pub. L. 91-469, § 22, 84 Stat. 1032; Aug. 6, 1981, Pub. L. 97-31, § 12(116), 95 Stat. 164.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" and "Secretary of Transportation's" for "Secretary of Commerce's".

1970—Pub. L. 91-469 substituted "Secretary of Commerce" and "Secretary of Commerce's" for "Commission" and "Commission's" wherever appearing; provision for an additional amount for charter hire equal to sum of depreciated foreign cost computed annually upon basis of a twenty-five year life of vessel determined by the Secretary of the Treasury, taking into consideration the current average market yield or outstanding marketable obligations of the United States with remaining periods to maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum plus an administrative cost allowance for prior provision for 3½ per centum of depreciated foreign cost computed annually upon the basis of a twenty-five year life of vessel; and provision for interest upon unpaid balances of purchase price payable in annual installments from date of purchase, at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum plus an administrative cost allowance for prior interest upon unpaid balances of 3½ per centum per annum from date of purchase.

1960—Pub. L. 86-518 substituted "4 per centum" for "5 per centum", "twenty-five-year life" for "twenty-year life" in two places, "twenty-five years" for "twenty years", and "one-twenty-fifth" for "one-twentieth".

1959—Pub. L. 86-3 included stops at the State of Hawaii for vessels operated on voyages in foreign trade.

1939—Act Aug. 4, 1939, amended section generally, and among other changes, substituted "price (herein referred to as the 'foreign cost') at which such vessel or vessels would be sold if constructed under sections 1151-1161 of this Appendix plus 3½ per centum of the depreciated foreign cost computed annually upon the basis of a twenty-year life of the vessel" for "construction cost of such new vessel or vessels", and added second paragraph relating to mixed foreign and domestic trade.

1938—Act June 23, 1938, required the charter to contain an agreement of the purchaser to pay interest at the rate of 3½ per centum per annum upon all unpaid portions of the purchase price from the date of the delivery of the vessel to the purchaser under the charter agreement, and provided that if the option to purchase is exercised, the deferred payments shall not be extended beyond the life of the vessel computed on a 20 year expectancy.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

RATE OF DEPRECIATION FOR VESSELS DELIVERED BY SHIPBUILDER ON OR AFTER JANUARY 1, 1946, AND BEFORE JANUARY 1, 1960

For provisions relating to computation of depreciation with respect to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and before Jan. 1, 1960, see section 8(b) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1160, 1196 of this Appendix.

§ 1205. Experimental operation and testing of United States vessels; number; bareboat charters; review of charters and agency agreements; provisions applicable to charters and agreements

The Secretary of Transportation, for the purpose of practical development, trial, and testing, is authorized without regard to other provisions of this subchapter or other laws relating to chartering and general agency operations, to operate, under general agency agreements, or bareboat charter, vessels owned by the United States (including any national defense reserve vessel) which have been constructed, reconditioned, or remodeled for experimental or testing purposes, in the foreign or domestic trade of the United States or for use for the account of any agency or department of the United

States, under such reasonable terms or conditions as the Secretary of Transportation determines to be necessary to carry out the objects of this chapter: *Provided, however*, That not in excess of ten such vessels shall be operated and tested under the authority of this section in any one year. Bareboat charters entered into under this section shall be made at reasonable rates of charter and shall include such restrictions and conditions as the Secretary of Transportation determines to be necessary or appropriate to protect the public interest, including provisions for recapture of profits as provided for in section 1199 of this Appendix. Charters and general agency agreements entered into under this section shall be reviewed annually for the purpose of determining whether conditions exist which would justify continuance of the charter or agreement. Those provisions of law prescribed or incorporated under section 1241a of this Appendix, which relate to vessel operating activities of the Secretary of Transportation and to employment of seamen through general agents, shall be applicable in connection with charters and agreements entered into under this section.

(June 29, 1936, ch. 858, title VII, § 715, as added July 11, 1956, ch. 574, 70 Stat. 531, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(117), 95 Stat. 164.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

§ 1206. Construction of nuclear-powered merchant ship; appropriations; special services; cooperation with other Federal agencies

There is authorized to be appropriated to the Department of Transportation, Maritime Administration, and the Atomic Energy Commission, such sums as may be necessary, to remain available until expended, for the construction, outfitting, and preparation for operation, including training of qualified personnel, of a nuclear-powered merchant ship capable of providing shipping services on routes essential for maintaining the flow of the foreign commerce of the United States. The Maritime Administration, and the Atomic Energy Commission, in carrying on activities and functions under this section, may collaborate with and employ persons, firms, and corporations on a contract or fee basis for the performance of special services deemed necessary by such agencies in carrying on such activities and functions. The Administration may, for the same purposes, with the approval of the Secretary of Transportation and where appropriate the Atomic Energy Commission, avail itself of the use of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, including any field service thereof.

(June 29, 1936, ch. 858, title VII, § 716, as added July 30, 1956, ch. 792, 70 Stat. 731, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(118), 95 Stat. 164.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Department of Transportation" for "Department of Commerce" and "Secretary of Transportation" for "Secretary of Commerce".

TRANSFER OF FUNCTIONS

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 2210.

SUBCHAPTER VIII—CONTRACT PROVISIONS

§ 1211. Provision for books and records; filing balance sheets; inspection and auditing by Secretary; rescission of contract on failure to comply with provisions

Every contract executed by the Secretary of Transportation under the provisions of subchapters VI or VII of this chapter shall contain provisions requiring (1) that, the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to keep its books, records, and accounts, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines covered by the contract, in such form and under such regulations as may be prescribed by the Secretary of Transportation: *Provided*, That the provisions of this paragraph shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission; (2) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to file, upon notice from the Secretary of Transportation, balance sheets, profit and loss statements, and such other statements of financial operations, special report, memoranda of any facts and transactions, which in the opinion of the Secretary of Transportation affect the financial results in, the performance of, or transactions or operations under, such contract; (3) that the Secretary of Transportation shall be authorized to examine and audit the books, records, and accounts of all persons referred to in this section whenever he may deem it necessary or desirable; and (4) that upon the willful failure or refusal of any person described in this section to comply with the contract provisions required by this section, the Secretary of Transportation shall have the right to rescind the contract, and upon such rescission, the United States shall be relieved of all further liability on such contract.

(June 29, 1936, ch. 858, title VIII, § 801, 49 Stat. 2011; Aug. 6, 1981, Pub. L. 97-31, § 12(119), 95 Stat. 164.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in six places and in cl. (3) "he may deem" for "it may deem". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1212. Purchase or requisition of vessels by United States; amount of payment

Every contract executed by the Secretary of Transportation under authority of subchapter V of this chapter shall provide that—

In the event the United States shall, through purchase or requisition, acquire ownership of the vessel or vessels on which a construction-differential subsidy was paid, the owner shall be paid therefor the value thereof, but in no event shall such payment exceed the actual depreciated construction cost thereof (together with the actual depreciated cost of capital improvements thereon, but excluding the cost of national-defense features) less the depreciated amount of construction-differential subsidy theretofore paid incident to the construction or reconditioning of such vessel or vessels, or the fair and reasonable scrap value of such vessel as determined by the Secretary of Transportation, whichever is the greater. Such determination shall be final. In computing the depreciated value of such vessel, depreciation shall be computed on each vessel on the schedule adopted by the Internal Revenue Service for income-tax purposes.

The foregoing provision respecting the requisition or the acquisition of ownership by the United States shall run with the title to such vessel or vessels and be binding on all owners thereof.

(June 29, 1936, ch. 858, title VIII, § 802, 49 Stat. 2011; June 23, 1938, ch. 600, § 33, 52 Stat. 962; Aug. 7, 1939, ch. 555, § 2, 53 Stat. 1254; Aug. 6, 1981, Pub. L. 97-31, § 12(120), 95 Stat. 164.)

Amendments

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1939—Act Aug. 7, 1939, struck out "fair actual" after "owner shall be paid therefor the" in first sentence.

1938—Act June 23, 1938, inserted ", or the fair and reasonable scrap value of such vessel as determined by the Commission, whichever is the greater. Such determination shall be final." at end of first sentence, and "depreciated" after "In computing the" in second sentence.

Change of Name

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150-29, eff. July 9, 1953.

Transfer of Functions

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1241a, 1242 of this Appendix.

§ 1213. Contracts designed equitably for all ports; minimum allocation of funds; report to Congress; preference to citizens of United States; regional offices for Maritime Administration

(a) Contracts under this chapter shall be entered into so as to equitably serve, insofar as possible, the foreign-trade requirements of the Atlantic, Gulf, Great Lakes, and Pacific ports of the United States. In order to assure equitable treatment for each range of ports referred to in the preceding sentence, not less than 10 percent of the funds appropriated for construction-differential subsidy and operating-differential subsidy pursuant to this chapter or any law authorizing funds for the purposes of this chapter shall be allocated to each such port range: *Provided, however,* That such allocation shall apply to the extent that subsidy contracts are approved by the Secretary of Transportation. For the purposes of this section and section 1121(a) of this Appendix, the Secretary shall establish trade routes, services, or lines that take into account the seasonal closure of the Saint Lawrence Seaway and provide for alternate routing of ships via a different range of ports during that closure so as to maintain continuity of service on a year-round basis. For the purposes of section 1175(c) of this Appendix, such an alternate routing via a different range of ports shall be deemed to be service from Great Lakes ports, provided such alternative routing is based upon receipt or delivery of cargo at Great Lakes-Saint Lawrence Seaway ports under through intermodal bills of lading. The Secretary shall include in the annual report pursuant to section 1118 of this Appendix a detailed report (1) describing the actions that have been taken pursuant to this chapter to assure insofar as possible that direct and adequate service is provided by United States-flag commercial vessels to each range of ports referred to in this section; and (2) including any recommendations for additional legislation that may be necessary to achieve the purpose of this section. In awarding contracts under this chapter, preference shall be given to persons who are citizens of the United States and who have the support, financial and otherwise, of the domestic communities primarily interested.

(b) There shall be established and maintained within the Maritime Administration such regional offices as may be necessary, including, but not limited to, one such office for each of the four port ranges specified in subsection (a) of this section. The Secretary of Transportation shall appoint a qualified individual to be the Director of each such regional office and shall carry out appropriate functions, activities, and programs of the Maritime Administration through such regional offices.

(June 29, 1936, ch. 858, title VIII, § 809, 49 Stat. 2015; Oct. 21, 1970, Pub. L. 91-469, § 26(a), 84 Stat. 1034; Mar. 23, 1975, Pub. L. 94-10, § 3, 89 Stat. 16; Nov. 13, 1975, Pub. L. 94-127, § 4, 89 Stat. 680; Oct. 19, 1980, Pub. L. 96-470, title II, § 201(a), 94 Stat. 2241; Aug. 6, 1981, Pub. L. 97-31, § 12(121), 95 Stat. 164; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1604, 95 Stat. 751.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35 added provisions respecting the establishment of trade routes, services or lines taking into consideration the seasonal closure of the Saint Lawrence Seaway, and alternate routing of ships.

Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

Subsec. (b). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

1980—Subsec. (a). Pub. L. 96-470 substituted "The Secretary shall include in the annual report pursuant to section 1118 of this Appendix" for "Not later than March 1, 1976, and annually thereafter, the Secretary shall submit to Congress".

1975—Subsec. (a). Pub. L. 94-127 required minimum allocation of funds for each range of ports and submission of an annual report to Congress.

Pub. L. 94-10 designated existing provisions as subsec. (a) and added subsec. (b).

1970—Pub. L. 91-469 included ports on the Great Lakes.

§ 1214. Omitted

CODIFICATION

Section, act Feb. 6, 1941, ch. 5, § 3, 55 Stat. 6, which authorized the United States Maritime Commission to enter into contracts for the purpose of carrying out this chapter, was omitted in view of the abolition of the United States Maritime Commission by section 306 of Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, set out under section 1111 of this Appendix.

ANNUAL APPROPRIATIONS

Aug. 25, 1937, ch. 757, title I, § 101, 50 Stat. 759—$115,000,000.

Mar. 16, 1939, ch. 11, § 1, 53 Stat. 543—$230,000,000.

June 27, 1940, ch. 437, title I, § 101, 54 Stat. 634—$50,000,000.

Feb. 6, 1941, ch. 5, § 3, 55 Stat. 6—$65,000,000.

Apr. 5, 1941, ch. 40, § 1, 55 Stat. 119—$180,000,000.

Aug. 25, 1941, ch. 409, title III, § 301, 55 Stat. 682—$1,296,650,000.

June 27, 1942, ch. 450, § 1, 56 Stat. 419—$90,000,000.

SUBCHAPTER VIII-A—OFFENSES AND PENALTIES

§ 1222. Operating competing foreign-flag vessel forbidden

(a) Operating-differential subsidy; competition with essential American-flag service

Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any contractor receiving an operating-differential subsidy under subchapter VI of this chapter or for any charterer of vessels under subchapter VII of this chapter, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Secretary of Transportation to be essential as provided in section 1121 of this Appendix.

(b) Waiver; special circumstances

Under special circumstances and for good cause shown, the Secretary of Transportation may, in his discretion, waive the provisions of subsection (a) of this section as to any contractor, for a specific period of time.

(c) Exceptions

Upon application to the Secretary of Transportation the provisions of subsection (a) of this section shall not apply to the following specified activities of any contractor under subchapter VI of this chapter, or those in the foregoing specified relationship to him, who was not such a contractor on April 15, 1970, and who shall have complied with the requirement set forth in subsection (d) of this section:

(1) Until April 15, 1990—

(A) the continued ownership, charter, or operation of a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk which was owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, on April 15, 1970;

(B) the continued acting as agent or broker for a vessel described in subsection (c)(1)(A) of this section which is owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, and for which such contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970;

(2) Until April 15, 1972, the continued acting as agent or broker for a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk (other than one described in subsection (c)(1)(A)), for which the contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970.

(d) Statement to be filed with Secretary

No contractor under subchapter VI of this chapter, whether he shall have become such a contractor before or after October 21, 1970, shall avail himself of the provisions of subsection (c) of this section unless not later than ninety days after October 21, 1970, there shall have been filed with the Secretary of Transportation a full and complete statement, satisfactory in form and substance to the Secretary, of all foreign-flag vessels which he, or those in the foregoing specified relationship to him, directly or indirectly owned, chartered, acted as agent or broker for, or operated on April 15, 1970.

(e) Report to Congress

During the period of time provided for in subsection (c) of this section, the Secretary of Transportation shall include in the annual report pursuant to section 1118 of this Appendix, a report on the activities of contractors under such subsection, including but not limited to, the nature and extent of such activities; its effect, if any, upon carrying forward the national policy declared in section 1101 of this Appendix; and the Secretary's recommendations for legislation, if such is deemed to be necessary.

(June 29, 1936, ch. 858, title VIII, § 804, 49 Stat. 2012; June 23, 1938, ch. 600, § 35, 52 Stat. 963; Oct. 21, 1970, Pub. L. 91–469, § 24, 84 Stat. 1033; Oct. 19, 1980, Pub. L. 96–470, title II, § 201(b), 94 Stat. 2241; Aug. 6, 1981, Pub. L. 97–31, § 12(121), 95 Stat. 164.)

AMENDMENTS

1981—Pub. L. 97–31 substituted "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

1980—Subsec. (e). Pub. L. 96–470 substituted "shall include in the annual report pursuant to section 1118 of this Appendix, a report" for "shall, at the beginning of each regular session, make a report to the Congress".

1970—Subsecs. (a) to (d). Pub. L. 91–469 designated existing provisions as subsecs. (a) and (b) and added subsecs. (c) to (e).

1938—Act June 23, 1938, inserted "for a specific period of time" after "contractor,".

§ 1223. Forbidden practices relating to coastwise service, salaries, officers, and employees

(a) Foreign trade subsidy contractor engaging in coastwise or intercoastal trade

It shall be unlawful to award or pay any subsidy to any contractor under authority of subchapter VI of this chapter, or to charter any vessel to any person under subchapter VII of this chapter if said contractor or charterer, or any holding company, subsidiary, affiliate, or associate of such contractor or charterer, or any officer, director, agent, or executive thereof, directly or indirectly, shall own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service, or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service, without the written permission of the Secretary of Transportation. Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Secretary of Transportation shall give a hearing to the applicant and the intervenors. The Secretary of Transportation shall not grant any such application if the Secretary of Transportation finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it would be prejudicial to the objects and policy of this chapter: *Provided*, That if such contractor or other person above-described or a predecessor in interest was in bona-fide operation as a common carrier by water in the domestic, intercoastal, or coastwise trade in 1935 over the route or routes or in the trade or trades for which application is made and has so operated since that time or if engaged in furnishing seasonal service only, was in bona-fide operation in 1935 during the season ordinarily covered by its operation, except in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Secretary of Transportation shall grant such permission without requiring further proof that public interest and convenience will be served by such operation, and without further proceedings as to the competition in such route or trade.

If such application be allowed, it shall be unlawful for any of the persons mentioned in this section to divert, directly or indirectly, any moneys, property, or other thing of value, used in foreign-trade operations, for which a subsidy is paid by the United States, into any such coastwise or intercoastal operations; and whosoever shall violate this provision shall be guilty of a misdemeanor.

(b) Contractor in default paying more than specified salary

Whenever any contractor under subchapters VI or VII of this chapter receiving an operating-differential subsidy is in default with respect to any mortgage, note, purchase contract, or other obligation to the Secretary of Transportation, or has not maintained, in a manner satisfactory to the Secretary of Transportation, all of the reserves provided for in this chapter, the Secretary of Transportation shall have the right to supervise the number and compensation of all officers and employees of the contractor.

(c) Repealed. Pub. L. 91–469, § 25, Oct. 21, 1970, 84 Stat. 1034

(d) Employing other persons or concerns as managing or operating agent

It shall be unlawful, without express written consent of the Secretary of Transportation, for any contractor holding a contract authorized under subchapters VI or VII of this chapter to employ any other person or concern as the managing or operating agent of such operator, or to charter any vessel, on which an operating-differential subsidy is to be paid, for operation by another person or concern, and if such charter is made, the person or concern operating the chartered vessel or vessels shall be subject to all the terms and provisions of this chapter, including limitations of profits and salaries.

(e) Employing Member of Congress

It shall be unlawful for any contractor or charterer who holds any contract made under authority of any provision in this chapter to employ any Member of Congress, either with or without compensation, as an attorney, agent, officer, or director of such person.

(f) Penalty

Any willful violation of any provision of this section shall constitute a breach of the contract or charter in force under this chapter, and upon determining that such a violation has occurred the Secretary of Transportation may forthwith declare such contract or charter rescinded and any person willfully violating the provisions of this section shall be guilty of a misdemeanor.

(June 29, 1936, ch. 858, title VIII, § 805, 49 Stat. 2012; June 23, 1938, ch. 600, §§ 36, 37, 52 Stat. 963; July 17, 1952, ch. 939, § 20, 66 Stat. 765; Oct. 21, 1970, Pub. L. 91–469, § 25, 84 Stat. 1034; Dec. 31, 1970, Pub. L. 91–603, § 4(e), 84 Stat.

1675; Aug. 6, 1981, Pub. L. 97-31, § 12(122), 95 Stat. 164.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" wherever appearing. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1970—Subsec. (c). Pub. L. 91-469 struck out restriction against taking into account for subsidy accounting purposes any salary for personal services in excess of $25,000 paid by the contractor and definition of terms "director", "officer", "employee", and "salary".

Subsec. (d). Pub. L. 91-603 struck out provisions which prohibited a contractor from receiving an operating-differential subsidy for the operation of any chartered vessel save and except during a period of actual emergency determined by the Secretary, or except as provided in section 1198 of this Appendix.

1952—Subsec. (c). Act July 17, 1952, removed limitation of amount of salaries paid to employers, and defined director, officer, or employee.

1938—Subsec. (d). Act June 23, 1938, substituted "contractor. (c) No director" for "contractor (c) no director", and inserted "or except as provided in section 1198 of this Appendix".

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1183 of this Appendix.

§ 1224. Collusion with respect to bidding

Whoever shall consult with, or enter into an agreement with, or inform any other bidder, or officer, director, executive, agent, or employee of any such other bidder, as to the amount, the terms, or the conditions of any bid submitted to the Commission or the Secretary of Transportation prior to the public opening of such bids, or enter into any combination, understanding, agreement, or arrangement whatsoever, to prevent the making of any bona-fide bid for any contract or charter under this chapter, to induce any other person not to bid for any such contract or charter, or to deprive the United States in any way of the benefit of full, free, and secret competition in the awarding of any such contract or charter shall be guilty of a misdemeanor: *Provided*, That this section shall also apply to bidding for contracts under the provisions of section 1154 of this Appendix.

(June 29, 1936, ch. 858, title VIII, § 806(a), 49 Stat. 2014; Aug. 6, 1981, Pub. L. 97-31, § 12(123), 95 Stat. 164.)

CODIFICATION

Section is comprised of subsec. (a) of section 806 of act June 29, 1936. Subsecs. (b) to (d) of section 806 are classified to section 1228 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Commission or the Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1228 of this Appendix.

§ 1225. Employment of persons to appear before Congress or governmental agency; filing statement of employment

It shall be unlawful for any person employed or retained by any shipbuilder or ship operator holding or applying for a contract under the provisions of this chapter, or employed or retained by any subsidiary, affiliate, associate, or holding company of such shipbuilder or ship operator, to present, advocate, or oppose any matter within the scope of the Shipping Act, 1916, as amended [46 App. U.S.C. 801 et seq.], the Merchant Marine Act, 1920, as amended [46 App. U.S.C. 861 et seq. and 911 et seq.], the Merchant Marine Act, 1928, as amended [46 App. U.S.C. 891 et seq.], the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], or this chapter, before the Congress or any committee thereof, or before the Commission or the Secretary of Transportation, unless such shipbuilder or ship operator shall have previously filed with the Secretary of Transportation in such form and detail as the Secretary of Transportation shall by rules and regulations or order prescribe as necessary or appropriate in the public interest, a statement of the subject matter in respect of which such person is retained or employed, the nature and character of such retainer or employment, and the amount of compensation received or to be received by such person, directly or indirectly, in connection therewith. It shall be the duty of every such person so employed or retained to file with the Secretary of Transportation within thirty days after the close of each calendar month during such retainer or employment, in such form and detail as the Secretary of Transportation shall by rules and regulations or order prescribe as necessary or appropriate in the public interest, a statement of the expenses incurred and the compensation received by such person during such month in connection with such retainer or employment. Whosoever shall violate this provision shall be guilty of a misdemeanor.

(June 29, 1936, ch. 858, title VIII, § 807, 49 Stat. 2014; June 23, 1938, ch. 600, § 38, 52 Stat. 963; Aug. 6, 1981, Pub. L. 97-31, § 12(124), 95 Stat. 164.)

REFERENCES IN TEXT

The Shipping Act, 1916, as amended, referred to in text, is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

The Merchant Marine Act, 1920, referred to in text, is act June 5, 1920, ch. 250, 41 Stat. 988, as amended, which is classified generally to chapters 24 (§ 861 et seq.) and 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 889 of this Appendix and Tables.

The Merchant Marine Act, 1928, referred to in subsec. (a), is act May 22, 1928, ch. 675, 45 Stat. 689, as amended, which is classified principally to chapter 24A (§ 891 et seq.) of this Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 891x of this Appendix and Tables.

The Intercoastal Shipping Act, 1933, referred to in text, is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Commission or the Secretary of Transportation" for "Commission" and "Secretary of Transportation" for "Commission" in four places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1938—Act June 23, 1938, amended section generally, and among other changes, inserted provisions to include matters within the scope of the Shipping Act, 1916, the Merchant Marine Act, 1920, the Merchant Marine Act, 1928, and the Intercoastal Shipping Act, 1933, and substituted "thirty days" for "ten days".

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1226. Discrimination in respect to cargo

It shall be unlawful for any contractor receiving an operating-differential subsidy under subchapter VI of this chapter or for any charterer under subchapter VII of this chapter unjustly to discriminate in any manner so as to give preference directly or indirectly in respect to cargo in which such contractor or charterer has a direct or indirect ownership, or purchase or vending interest; and whosoever shall violate this provision shall be guilty of a misdemeanor.

(June 29, 1936, ch. 858, title VIII, § 808, 49 Stat. 2015.)

§ 1227. Agreements with other carriers forbidden; withholding subsidies; actions by injured persons for damages

It shall be unlawful for any contractor receiving an operating-differential subsidy under subchapter VI of this chapter or for any charterer of vessels under subchapter VII of this chapter to continue as a party to or to conform to any agreement with another carrier or carriers by water, or to engage in any practice in concert with another carrier or carriers by water, which is unjustly discriminatory or unfair to any other citizen of the United States who operates a common carrier by water exclusively employing vessels registered under the laws of the United States on any established trade route from and to a United States port or ports.

No payment or subsidy of any kind shall be paid directly or indirectly out of funds of the United States or any agency of the United States to any contractor or charterer who shall violate this section. Any person who shall be injured in his business or property by reason of anything forbidden by this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(June 29, 1936, ch. 858, title VIII, § 810, 49 Stat. 2015.)

FEDERAL RULES OF CIVIL PROCEDURE

Effect of rule 54 on this section, see note by Advisory Committee under rule 54, Title 28, Appendix, Judiciary and Judicial Procedure.

Judgment and costs, see rule 54.

§ 1228. Fines and penalties; conviction as rendering persons ineligible to receive benefits of law

Whenever any natural person is found guilty in any district court of the United States of any act or acts declared in this chapter to constitute a misdemeanor, he shall be punished by a fine of not more than $10,000, or by imprisonment for not less than one year or more than five years, or by both fine and imprisonment. Whenever any corporation is found guilty of any act or acts declared in this chapter to be unlawful, such corporation shall be punished by a fine of not more than $25,000.

In addition to the punishment prescribed in section 1224 of this Appendix, any person or corporation convicted of a misdemeanor under the provisions of this chapter shall be ineligible, at the discretion of the Commission or the Secretary of Transportation, to receive any benefits under subchapters V and VI of this chapter, or to receive a charter under subchapter VII of this chapter for a period of five years after conviction.

Whoever knowingly and willfully violates any order, rule, or regulation of the Federal Maritime Commission or the Secretary of Transportation made or issued in the exercise of the powers, duties, or functions transferred to it or him or vested in it or him by this chapter, as amended, for which no penalty is otherwise expressly provided, shall upon conviction thereof be subject to a fine of not more than $500. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

(June 29, 1936, ch. 858, title VIII, § 806(b)-(d), 49 Stat. 2014; Aug. 4, 1939, ch. 417, § 13, 53 Stat. 1187; Aug. 6, 1981, Pub. L. 97-31, § 12(125), 95 Stat. 164.)

CODIFICATION

Section is comprised of subsecs. (b) to (d) of section 806 of act June 29, 1936. Subsec. (a) of section 806 is classified to section 1224 of this Appendix.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Commission or the Secretary of Transportation" for "Commission", "Federal Maritime Commission or the Secretary of Transportation" for "United States Maritime Commission", and "it or him" for "it" in two places. For prior transfers of functions of the Commission, meaning the

United States Maritime Commission, see Transfer of Functions note below.

1939—Act Aug. 4, 1939, added third par.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1276 of this Appendix.

SUBCHAPTER IX—MISCELLANEOUS PROVISIONS

§ 1241. Transportation in American vessels of Government personnel and certain cargoes

(a) Requirement that officers and employees travel on American ships

Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor.

(b) Cargoes procured, furnished or financed by United States; waiver in emergencies; exceptions; definition

(1) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provision for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographic areas: *Provided*, That the provisions of this subsection may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense declares that an emergency exists justifying a temporary waiver of the provisions of this paragraph and so notifies the appropriate agency or agencies: *And provided further*, That the provisions of this subsection shall not apply to cargoes carried in the vessels of the Panama Canal Company. Nothing herein shall repeal or otherwise modify the provisions of section 1241-1 of this Appendix. For purposes of this section, the term "privately owned United States-flag commercial vessels" shall not be deemed to include any vessel which, subsequent to September 21, 1961, shall have been either (a) built outside the United States, (b) rebuilt outside the United States, or (c) documented under any foreign registry, until such vessel shall have been documented under the laws of the United States for a period of three years: *Provided, however*, That the provisions of this amendment shall not apply where, (1) prior to September 21, 1961, the owner of a vessel, or contractor for the purchase of a vessel, originally constructed in the United States and rebuilt abroad or contracted to be rebuilt abroad, has notified the Maritime Administration in writing of its intent to document such vessel under United States registry, and such vessel is so documented on its first arrival at a United States port not later than one year subsequent to September 21, 1961, or (2) where prior to September 21, 1961, the owner of a vessel under United States registry has made a contract for the rebuilding abroad of such vessel and has notified the Maritime Administration of such contract, and such rebuilding is completed and such vessel is thereafter documented under United States registry on its first arrival at a United States port not later than one year subsequent to September 21, 1961.

(2) Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Transportation. The Secretary of Transportation shall review such administration and shall annually report to the Congress with respect thereto.

(c) Motor vehicle owned by Government personnel

Notwithstanding any other provision of law, privately owned American shipping services may be utilized for the transportation of motor vehicles owned by Government personnel whenever transportation of such vehicles at Government expense is otherwise authorized by law.

(June 29, 1936, ch. 858, title IX, § 901, 49 Stat. 2015; Aug. 26, 1954, ch. 936, 68 Stat. 832; May 28, 1956, ch. 325, 70 Stat. 187; Sept. 21, 1961, Pub. L. 87-266, 75 Stat. 565; Oct. 21, 1970, Pub. L. 91-469, § 27, 84 Stat. 1034; Aug. 6, 1981, Pub. L. 97-31, § 12(126), 95 Stat. 165.)

REFERENCES IN TEXT

Panama Canal Company, referred to in subsec. (b)(1), deemed to refer to Panama Canal Commission, see section 3602(b)(5) of Title 22, Foreign Relations and Intercourse.

This amendment, referred to in subsec. (b)(1), means the amendment to this section by Pub. L. 87-266. See 1961 Amendment note below.

AMENDMENTS

1981—Subsec. (b)(2). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" in two places.

1970—Subsec. (b). Pub. L. 91-469 redesignated subsec. (b) as (b)(1), substituted "this paragraph" for "this subsection" after "temporary waiver of the provisions of" therein, and added subsec. (b)(2).

1961—Subsec. (b). Pub. L. 87-266 excluded from term "privately owned United States-flag commercial vehicles" those vessels which, subsequent to Sept. 21, 1961, have been either built outside the United States, rebuilt outside the United States, or documented under foreign registry, until such vessels have been documented under the laws of the United States for 3 years.

1956—Subsec. (c). Act May 28, 1956, added subsec. (c).

1954—Act Aug. 26, 1954, designated existing provisions as subsec. (a) and added subsec. (b).

EXEMPTIONS

Export sales of certain agricultural commodities, see section 1707a of Title 7, Agriculture.

Functions authorized by Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, eff. May 12, 1965, 30 F.R. 6635, set out under section 2393 of Title 22, Foreign Relations and Intercourse.

Act Aug. 3, 1956, ch. 933, § 3, 70 Stat. 988, provided that sales of fresh fruit and the products thereof under sections 1701 to 1709 of Title 7, Agriculture, should be exempt from the requirements of this section.

CROSS REFERENCES

Free transportation of Government personnel in American vessels prohibited; exceptions; reduction of Government rate; penalty, see section 817b of this Appendix.

Motor vehicles belonging to members of armed forces, transportation on Government-owned vessels, see section 2634 of Title 10, Armed Forces.

Transportation at Government expense of automobiles owned by civilian officers and employees prohibited, see section 5727 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1185, 1241e, 1241f, 1241j, 1241*l* of this Appendix; title 10 section 2407; title 22 sections 2223, 2353, 2399d.

§ 1241-1. Shipment of exports financed by Government in United States vessels

It is the sense of Congress that in any loans made by any instrumentality of the Government to foster the exporting of agricultural or other products, provision shall be made that such products shall be carried exclusively in vessels of the United States, unless, as to any or all of such products, the Secretary of Transportation, after investigation, shall certify to the instrumentality of the Government that vessels of the United States are not available in sufficient numbers, or in sufficient tonnage capacity, or on necessary sailing schedule, or at reasonable rates.

(Mar. 26, 1934, ch. 90, 48 Stat. 500; June 29, 1936, ch. 858, § 204, 49 Stat. 1987; 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647; Aug. 6, 1981, Pub. L. 97-31, § 12(127), 95 Stat. 165.)

CODIFICATION

Provisions of this section reading "any loans made by any instrumentality of the Government" and "shall certify to the instrumentality of the Government" were substituted for "any loans made by the Reconstruction Finance Corporation or any other instrumentality of the Government" and "shall certify to the Reconstruction Finance Corporation or any other instrumentality of the Government" in view of the abolition of the Reconstruction Finance Corporation and transfer of its remaining functions to Housing and Home Finance Agency, Administrator of General Services, Administrator of Small Business Administration, and Secretary of Treasury pursuant to Reorg. Plan No. 1 of 1957, set out in Appendix of Title 5, Government Organization and Employees.

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

Section was formerly classified to section 616a of Title 15, Commerce and Trade.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

Functions of Shipping Board Bureau were assumed by United States Maritime Commission on Oct. 26, 1936, under provisions of act June 29, 1936, set out as section 1114 of this Appendix. For subsequent transfers of functions, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

EXEMPTIONS

Export sales of certain agricultural commodities, see section 1707a of Title 7, Agriculture.

Functions authorized by Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, eff. May 12, 1965, 30 F.R. 6635, set out under section 2393 of Title 22, Foreign Relations and Intercourse.

Act Aug. 3, 1956, ch. 933, § 3, 70 Stat. 988, provided that sales of fresh fruit and the products thereof under sections 1701 to 1709 of Title 7, Agriculture, should be exempt from the requirements of this section.

Section not affected by other requirements regarding transportation of certain cargoes in American vessels, see section 1241 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1241e, 1241j, 1241*l* of this Appendix.

§ 1241a. Vessel operations revolving fund; establishment; uses; limitation

There is established a working capital of $20,000,000 to remain available until expended, for the "Vessel Operations Revolving Fund", which is created for the purpose of carrying out vessel operating functions of the Secretary of Transportation, including charter, operation, maintenance, repair, reconditioning, and betterment of merchant vessels under the jurisdiction of the Secretary of Transportation.

Notwithstanding any other provision of law, rates for shipping services rendered under said Fund shall be prescribed by the Secretary of Transportation and the Fund shall be credited with all receipts from vessel operating activities conducted thereunder: *Provided*, That the provisions of sections 1291(a), (c), 1293(c), and 1294 of Appendix to title 50 shall be applicable in connection with such operations and to seamen employed through general agents as employees of the United States, who may be employed in accordance with customary commercial practices in the maritime industry, notwithstanding the provisions of any law applicable in terms to the employment of persons by the United States: *Provided further*, That such sums as may be determined to be necessary by the Secretary of Transportation, with the approval of the Office of Management and Budget, but not exceeding 2 per centum of vessel operating expenses, may be advanced from this Fund to the appropriation "Salaries and expenses" for the purposes of that appropriation in connection with vessel operating functions, but without regard to the limitations on amounts as stated therein: *Provided further*, That notwithstanding any other provisions of law, the unexpended balances of any working funds or of allocation accounts established, subsequent to January 1, 1951, for the activities provided for under this appropriation, together with receipts heretofore and hereafter received from such activities, may be transferred to and consolidated with this Fund, which shall be available for the purposes of such working funds or allocation accounts.

No money made available to the Department of Transportation, for Maritime Activities, by this section or any other Act shall be used in payment for a vessel the title to which is acquired by the Government either by requisition or purchase, or the use of which is taken either by requisition or agreement, or which is insured by the Government and lost while so insured, unless the price or hire to be paid therefor, (except in cases where section 1212 of this Appendix is applicable) is computed in accordance with subsection (a) of section 1242 of this Appendix, as that subsection is interpreted by the General Accounting Office.

(June 2, 1951, ch. 121, ch. VIII, 65 Stat. 59; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Aug. 6, 1981, Pub. L. 97-31, § 12(128), 95 Stat. 165.)

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" in four places and "Department of Transportation" for "Department of Commerce".

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated the Bureau of the Budget as the Office of Management and Budget.

AUTHORIZATION FOR PAYMENTS OUT OF FUND

Pub. L. 85-721, Aug. 21, 1958, 72 Stat. 710, as authorizing Secretary of Commerce to make certain payments out of Vessels Operations Revolving Fund to persons to whom he chartered vessel, see note set out under section 1738 of Appendix to Title 50, War and National Defense.

CROSS REFERENCES

Emergency foreign vessel acquisition, see sections 196 to 198 of Title 50, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1205, 1241c, 1280 of this Appendix.

§ 1241b. Availability of vessel operations revolving fund; vessels involved in mortgage-foreclosure or forfeiture proceedings; redelivery and layup of chartered ships; custody and husbanding of Government-owned ships

On and after June 20, 1956, the vessel operations revolving fund shall be available for necessary expenses incurred, in connection with protection, preservation, maintenance, acquisition, or use of vessels involved in mortgage-foreclosure or forfeiture proceedings instituted by the United States, including payment of prior claims and liens, expenses of sale, or other charges incident thereto; for necessary expenses incident to the redelivery and lay-up, in the United States, of ships now chartered under agreements which do not call for their return to the United States; for activation, repair and deactivation of merchant ships chartered for limited emergency purposes during the fiscal year 1957 under the jurisdiction of the Secretary of Transportation; and for payment of expenses of custody and husbanding of Government-owned ships other than those within reserve fleets.

(June 20, 1956, ch. 415, title I, § 101, 70 Stat. 319; Aug. 6, 1981, Pub. L. 97-31, § 12(129), 95 Stat. 165.)

CODIFICATION

Section was not enacted as part of the Merchant Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

June 30, 1955, ch. 253, title I, § 101, 69 Stat. 231, as amended by act May 19, 1956, ch. 313, ch. II, § 201, 70 Stat. 162.

LIMITATION ON FUNDS FOR FISCAL YEAR 1957

Act June 20, 1956, ch. 415, title I, § 101, 70 Stat. 319, provided in part that not to exceed $5,000,000 of the funds of the vessel operations revolving fund were to be used in fiscal year 1957 for the purposes set forth in this section.

Similar provisions on limitation on funds were contained in act June 30, 1955, ch. 253, title I, § 101, 69 Stat. 231.

§ 1241c. Expenses for activation, repair and deactivation of merchant ships; receipts

The vessel operations revolving fund created by section 1241a of this Appendix, shall, beginning July 1, 1956, be available for expenses incurred in connection with the activation, repair, and deactivation of merchant ships chartered under the jurisdiction of the Secretary of Transportation. There shall be credited to such fund all receipts on account of operations after July 1, 1956, under charters of Government-owned ships under the jurisdiction of the Secretary of Transportation.

(Aug. 1, 1956, ch. 846, 70 Stat. 897; Aug. 6, 1981, Pub. L. 97-31, § 12(130), 95 Stat. 165.)

CODIFICATION

Section was not enacted as part of the Merchant Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" in two places.

§ 1241d. Findings and declarations with respect to export transportation of agricultural commodities

(a) The Congress finds and declares—

(1) that a productive and healthy agricultural industry and a strong and active United States maritime industry are vitally important to the economic well-being and national security objectives of our Nation,

(2) that both industries must compete in international markets increasingly dominated by foreign trade barriers and the subsidization practices of foreign governments; and

(3) that increased agricultural exports and the utilization of United States merchant vessels contribute positively to the United States balance of trade and generate employment opportunities in the United States.

(b) It is therefore declared to be the purpose and policy of the Congress in sections 1241d to 1241p of this Appendix—

(1) to enable the Department of Agriculture to plan its export programs effectively, by clarifying the ocean transportation requirements applicable to such programs;

(2) to take immediate and positive steps to promote the growth of the cargo carrying capacity of the United States merchant marine;

(3) to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports;

(4) to improve the efficiency of administration of both the commodity purchasing and selling and the ocean transportation activities associated with export programs sponsored by the Department of Agriculture;

(5) to stimulate and promote both the agricultural and maritime industries of the United States and encourage cooperative efforts by both industries to address their common problems; and

(6) to provide in this chapter for the appropriate disposition of these findings and purposes.

(Pub. L. 99-198, title XI, § 1141, Dec. 23, 1985, 99 Stat. 1490.)

REFERENCES IN TEXT

Sections 1241d to 1241p of this Appendix, referred to in subsec. (b), was in the original "this subtitle", meaning subtitle C of title XI of Pub. L. 99-198, §§ 1141-1143, Dec. 23, 1985, 99 Stat. 1490, which enacted such sections 1241d to 1241p. For complete classification of Pub. L. 99-198, popularly known as the Food Security Act of 1985, to the Code, see Short Title of 1985 Amendment note set out under section 1421 of Title 7, Agriculture, and Tables.

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Merchant Marine Act, 1936, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1241p of this Appendix.

§ 1241e. Exemption of certain agricultural exports from requirements of cargo preference laws

The requirements of sections 1241(b)(1) and 1241-1 of this Appendix, shall not apply to any export activities of the Secretary of Agriculture or the Commodity Credit Corporation—

(1) under which agricultural commodities or the products thereof acquired by the Commodity Credit Corporation are made available to United States exporters, users, processors, or foreign purchasers for the purpose of developing, maintaining, or expanding export markets for United States agricultural commodities or the products thereof at prevailing world market prices;

(2) under which payments are made available to United States exporters, users, or processors or, except as provided in section 1241f of this Appendix, cash grants are made available to foreign purchasers, for the purpose described in paragraph (1);

(3) under which commercial credit guarantees are blended with direct credits from the Commodity Credit Corporation to reduce the effective rate of interest on export sales of United States agricultural commodities or the products thereof;

(4) under which credit or credit guarantees for not to exceed 3 years are extended by the Commodity Credit Corporation to finance or guarantee export sales of United States agricultural commodities or the products thereof; or

(5) under which agricultural commodities or the products thereof owned or controlled by or under loan from the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services, but only if such materials, goods, equipment, or services are of a value at least equivalent to the value of the agricultural commodities or products exchanged or bartered therefor (determined on the basis of prevailing world market prices at the time of the exchange or barter), but nothing in this subsection shall be construed to exempt from the cargo preference provisions referred to in section 1241f of this Appendix any requirement otherwise applicable to the materials, goods, equipment, or services imported under any such transaction.

(June 29, 1936, ch. 858, title IX, § 901a, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1490.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241f, 1241i, 1241j, 1241p of this Appendix.

§ 1241f. Shipment requirements for certain exports sponsored by Department of Agriculture

(a) Minimum requirement respecting gross tonnage transported in United States-flag commercial vessels; implementation

(1) In addition to the requirement for United States-flag carriage of a percentage of gross tonnage imposed by section 1241(b)(1) of this Appendix, 25 percent of the gross tonnage of agricultural commodities or the products thereof specified in subsection (b) of this section shall be transported on United States-flag commercial vessels.

(2) In order to achieve an orderly and efficient implementation of the requirement of paragraph (1)—

(A) an additional quantity equal to 10 percent of the gross tonnage referred to in paragraph (1) shall be transported in United States-flag vessels in calendar year 1986;

(B) an additional quantity equal to 20 percent of the gross tonnage shall be transported in such vessels in calendar year 1987; and

(C) an additional quantity equal to 25 percent of the gross tonnage shall be transported in such vessels in calendar year 1988 and in each calendar year thereafter.

(b) Covered export activity

This section shall apply to any export activity of the Commodity Credit Corporation or the Secretary of Agriculture—

(1) carried out under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(2) carried out under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(3) carried out under the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1);

(4) under which agricultural commodities or the products thereof are—

(A) donated through foreign governments or agencies, private or public, including intergovernmental organizations; or

(B) sold for foreign currencies or for dollars on credit terms of more than ten years;

(5) under which agricultural commodities or the products thereof are made available for emergency food relief at less than prevailing world market prices;

(6) under which a cash grant is made directly or through an intermediary to a foreign purchaser for the purpose of enabling the purchaser to obtain United States agricultural commodities or the products thereof in an amount greater than the difference between the prevailing world market price and the United States market price, free along side vessel at United States port; or

(7) under which agricultural commodities owned or controlled by or under loan from the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services produced in foreign countries, other than export activities described in section 1241e(5) of this Appendix.

(c) Terms and conditions

(1) The requirement for United States-flag transportation imposed by subsection (a) of this section shall be subject to the same terms and conditions as provided in section 1241(b) of this Appendix.

(2)(A) In order to provide for effective and equitable administration of the cargo preference laws the calendar year for the purpose of compliance with minimum percentage requirements shall be for 12 month periods commencing April 1, 1986.

(B) In addition, the Secretary of Transportation, in administering this subsection and section 1241(b) of this Appendix, and consistent with these sections, shall take such steps as may be necessary and practicable without detriment to any port range to preserve during calendar years 1986, 1987, 1988, and 1989 the percentage share, or metric tonnage of bagged, processed, or fortified commodities, whichever is lower, experienced in calendar year 1984 as determined by the Secretary of Agriculture, of waterborne cargoes exported from Great Lake ports pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

(d) "Export activity" defined

As used in subsection (b) of this section, the term "export activity" does not include inspection or weighing activities, other activities carried out for health or safety purposes, or technical assistance provided in the handling of commercial transactions.

(e) Prevailing world market price

(1) The prevailing world market price as to agricultural commodities or the products thereof shall be determined under sections 1241e through 1241h of this Appendix in accordance with procedures established by the Secretary of Agriculture. The Secretary shall prescribe such procedures by regulation, with notice and opportunity for public comment, pursuant to section 553 of title 5.

(2) In the event that a determination of the prevailing world market price of any other type of materials, goods, equipment, or service is required in order to determine whether a barter or exchange transaction is subject to subsection (b)(6) or (b)(7) of this section, such determination shall be made by the Secretary of Agriculture in consultation with the heads of other appropriate Federal agencies.

(June 29, 1936, ch. 858, title IX, § 901b, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1491.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsecs. (b)(1) and (c)(2)(B), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. Title II of the Agricultural Trade Development and Assistance Act is classified generally to subchapter III (§ 1721 et seq.) of chapter 41 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The cargo preference laws, referred to in subsec. (c)(2)(A), include act Mar. 26, 1934, ch. 90, 48 Stat. 500, and act Aug. 26, 1954, ch. 936, 68 Stat. 832, which are classified to sections 1241-1 and 1241, respectively, of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241e, 1241g, 1241h, 1241i, 1241j, 1241*l*, 1241o, 1241p of this Appendix.

§ 1241g. Minimum tonnage

(a)(1) For fiscal year 1986 and each fiscal year thereafter, the minimum quantity of agricultural commodities to be exported under programs subject to section 1241f of this Appendix shall be the average of the tonnage exported under such programs during the base period defined in subsection (b) of this section, discarding the high and low years.

(2) The President may waive the minimum quantity for any fiscal year required under paragraph (1) if he determines and reports to the Congress, together with his reasons, that such quantity cannot be effectively used for the purposes of such programs or, based on a certification by the Secretary of Agriculture, that the commodities are not available for reasons which include the unavailability of funds.

(b) The base period utilized for computing the minimum tonnage quantity referred to in subsection (a) of this section for any fiscal year shall be the five fiscal years beginning with the sixth fiscal year preceding such fiscal year and ending with the second fiscal year preceding such fiscal year.

(June 29, 1936, ch. 858, title IX, § 901c, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1493.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241f, 1241i, 1241j, 1241o, 1241p of this Appendix.

§ 1241h. Financing of shipment of agricultural commodities in United States-flag vessels

(a) Financing by Secretary of Transportation of increased ocean freight charges

The Secretary of Transportation shall finance any increased ocean freight charges incurred in any fiscal year which result from the application of section 1241f of this Appendix.

(b) Reimbursement of Secretary of Agriculture and Commodity Credit Corporation; computations

If in any fiscal year the total cost of ocean freight and ocean freight differential for which obligations are incurred by the Department of Agriculture and the Commodity Credit Corporation on exports of agricultural commodities and products thereof under the agricultural export programs specified in section 1241f(b) of this Appendix exceeds 20 percent of the value of such commodities and products and the cost of such ocean freight and ocean freight differential on which obligations are incurred by such Department and Corporation during such year, the Secretary of Transportation shall reimburse the Department of Agriculture and the Commodity Credit Corporation for the amount of such excess. For the purpose of this subsection, commodities shipped from the inventory of the Commodity Credit Corporation shall be valued as provided in section 1733(b) of title 7.

(c) Issuance, etc., of obligations for financing

For the purpose of meeting those expenses required to be assumed under subsections (a) and (b) of this section, the Secretary of Transportation shall issue to the Secretary of the Treasury such obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of Transportation with the approval of the Secretary of the Treasury. Such obligations shall be at a rate of interest as determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such obligations during the month preceding the issuance of such obligations of the Secretary of Transportation. The Secretary of the Treasury shall purchase any obligations of the Secretary of Transportation issued under this subsection and, for the purpose of purchasing such obligations, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31 after December 23, 1985, and the purposes for which securities may be issued under such chapter are extended to include any purchases of the obligations of the Secretary of Transportation under this subsection. All redemptions and purchases by the Secretary of the Treasury of the obligations of the Secretary of Transportation shall be treated as public-debt transactions of the United States.

(d) Authorization of appropriations

There is authorized to be appropriated annually for each fiscal year, commencing with the fiscal year beginning October 1, 1986, an amount sufficient to reimburse the Secretary of Transportation for the costs, including administrative expenses and the principal and interest due on the obligations to the Secretary of the Treasury incurred under this section. Reimbursement of any such costs shall be made with appropriated funds, as provided in this section, rather than through cancellation of notes.

(e) Notification of Congress respecting failure to obtain funds necessary for financing

Notwithstanding the provisions of this section, in the event that the Secretary of Transportation is unable to obtain the funds necessary to finance the increased ocean freight charges resulting from the requirements of subsections (a) and (b) of this section and section 1241f(a) of this Appendix, the Secretary of Transportation shall so notify the Congress within 10 working days of the discovery of such insufficiency.

(June 29, 1936, ch. 858, title IX, § 901d, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1493.)

CODIFICATION

"December 23, 1985," was substituted in subsec. (c) for "the date of the enactment of this Act", meaning the date of the enactment of Pub. L. 99-198 which enacted this section, as the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241f, 1241i, 1241j, 1241o, 1241p of this Appendix.

§ 1241i. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1241e through 1241o of this Appendix.

(June 29, 1936, ch. 858, title IX, § 901e, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1494.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241j, 1241p of this Appendix.

§ 1241j. Termination of sections 1241e through 1241o of this Appendix

The operation of sections 1241e through 1241o of this Appendix shall terminate 90 days after the date on which a notification is made pursuant to section 1241h(e) of this Appendix, except with respect to shipments of agricultural commodities and products subject to contracts entered into before the expiration of such 90-day period, unless within such 90-day period the Secretary of Transportation proclaims that funds are available to finance increased freight charges resulting from the requirements of sections 1241f(a) and 1241h(a) and (b) of this Appendix. In the event of termination under this section, nothing in sections 1241e through 1241h of this Appendix shall be construed as exempting export activities from or subjecting export activities to the cargo preference laws except to the extent those activities are exempt under section 1707a(b) of title 7. In the event of termination under this section, the 50 percent requirement in section 1241(b) of this Appendix shall be in full effect.

(June 29, 1936, ch. 858, title IX, § 901f, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1494.)

REFERENCES IN TEXT

The cargo preference laws, referred to in text, include act Mar. 26, 1934, ch. 90, 48 Stat. 500, and act Aug. 26, 1954, ch. 936, 68 Stat. 832, which are classified to sections 1241-1 and 1241, respectively, of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241i, 1241p of this Appendix.

§ 1241k. National Advisory Commission on Agricultural Export Transportation Policy

(a) Establishment

There is hereby established an advisory commission to be known as the National Advisory Commission on Agricultural Export Transportation Policy (hereafter in this section through section 1241n of this Appendix referred to as the "Commission").

(b) Membership; composition, appointment, etc.

(1) The Commission shall be composed of 16 members.

(2) Eight members of the Commission shall be appointed by the President.

(3) The chairman and ranking minority members of the Senate Committee on Agriculture, Nutrition, and Forestry, of the Subcommittee on Merchant Marine of the Senate Committee on Commerce, Science, and Transportation, of the House Committee on Agriculture, and of the House Committee on Merchant Marine and Fisheries shall serve as members of the Commission.

(4)(A) Four of the members appointed by the President shall be representatives of agricultural producers, cooperatives, merchandisers, and processors of agricultural commodities.

(B) The remaining four members appointed by the President shall be representatives of the United States-flag maritime industry, two of whom shall represent labor and two of whom shall represent management.

(c) Chairman; vacancy

(1) The members of the Commission shall elect a Chairman from among its members.

(2) Any vacancy in the Commission does not affect its powers but shall be filled in the same manner in which the original appointment was made.

(June 29, 1936, ch. 858, title IX, § 901g, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1494.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241d, 1241i, 1241j, 1241p of this Appendix.

§ 1241l. Duties of Commission

(a) Study and review of ocean transportation of agricultural exports subject to cargo preference laws; recommendations, scope, etc.

It shall be the duty of the Commission to conduct a comprehensive study and review of the ocean transportation of agricultural exports subject to the cargo preference laws referred to in section 1241f of this Appendix and to make recommendations to the President and the Congress for improving the efficiency of such transportation on United States-flag vessels in order to reduce the costs incurred by the United States in connection with such transportation. In carrying out such study and review, the Commission shall consider the extent to which any unfair or discriminatory practices of foreign governments increase the cost to the United States of transporting agricultural commodities subject to such cargo preference laws.

(b) Reporting requirements; termination of Commission

(1) The Commission shall submit an interim report to the President and the Congress not later than one year after December 23, 1985, and such other interim reports as the Commission considers advisable.

(2) The Commission shall submit a final report containing its findings and recommendations to the President and the Congress not

later than two years after December 23, 1985. The report shall include recommendations for any changes in the provisions of paragraph (1) that would help assure that the cost of ocean freight and ocean freight differential incurred by the Department of Agriculture and the Commodity Credit Corporation on the agricultural export programs specified in section 1241f of this Appendix, is not increased above historical levels as a result of the extra demand for United States-flag vessels caused by section 1241f of this Appendix.

(3) Sixty days after the submission of the final report, the Commission shall cease to exist.

(c) Contents of reports

The Commission shall include in its reports submitted pursuant to subsection (b) of this section recommendations concerning the feasibility and desirability of achieving the following goals with respect to the ocean transportation of agricultural commodities subject to the cargo preference laws referred to in section 1241f of this Appendix:

(1) Ensuring that the timing of commodity purchase agreements entered into by the United States in connection with the export of such commodities, and the methods of implementing such agreements, will minimize cost to the United States.

(2) Ensuring that shipments of such commodities are made on the most modern and efficient United States-flag vessels available.

(3) Ensuring that shipments of such commodities are made under the most advantageous terms available, including—

(A) charters for full shiploads;

(B) charters for intermediate or long term;

(C) charters for consecutive voyages and contracts of affreightment; and

(D) adjustment of rates in the event that vessels used for shipments of such commodities also carry cargoes on return voyages.

(4) Reduction and elimination of impediments, including delays in port, to the efficient loading and operation of the vessels employed for shipment of such commodities.

(5) Utilization of open and competitive bidding for the ocean transportation of such commodities.

(June 29, 1936, ch. 858, title IX, § 901h, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1495.)

References in Text

The cargo preference laws, referred to in subsecs. (a) and (c), include act Mar. 26, 1934, ch. 90, 48 Stat. 500, and act Aug. 26, 1954, ch. 936, 68 Stat. 832, which are classified to sections 1241-1 and 1241, respectively, of this Appendix.

Section Referred to in Other Sections

This section is referred to in sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.

§ 1241m. Information and assistance to be furnished to Commission

(a) Each department, agency, and instrumentality of the United States, including independent agencies, shall furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission considers necessary to carry out its functions.

(b) The Secretary of Agriculture and the Secretary of Transportation shall make available to the Commission such staff, personnel, and administrative services as may reasonably be required to carry out the Commission's duties.

(June 29, 1936, ch. 858, title IX, § 901i, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1496.)

Section Referred to in Other Sections

This section is referred to in sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.

§ 1241n. Compensation and travel and subsistence expenses of Commission members

Members of the Commission shall serve without compensation in addition to compensation they may otherwise be entitled to receive as employees of the United States or as Members of Congress, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(June 29, 1936, ch. 858, title IX, § 901j, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1496.)

Section Referred to in Other Sections

This section is referred to in sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.

§ 1241o. Definition of United States-flag vessel eligible to carry cargoes under sections 1241f through 1241h of this Appendix

A United States flag [1] vessel eligible to carry cargoes under sections 1241f through 1241h of this Appendix means a vessel, as defined in section 3 of title 1, that is necessary for national security purposes and, if more than 25 years old, is within five years of having been substantially rebuilt and certified by the Secretary of Transportation as having a useful life of at least five years after that rebuilding.

(June 29, 1936, ch. 858, title IX, § 901k, as added Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1496.)

Section Referred to in Other Sections

This section is referred to in sections 1241d, 1241i, 1241j, 1241p of this Appendix.

§ 1241p. Effect on other laws

Sections 1241d to 1241p of this Appendix shall not be construed as modifying in any manner the provisions of section 1707a(b)(8) of title 7 or chapter 5 of title 5.

(Pub. L. 99-198, title XI, § 1143, Dec. 23, 1985, 99 Stat. 1496.)

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[1] So in original. Probably should be "An United States-flag".

REFERENCES IN TEXT

Sections 1241d to 1241p of this Appendix, referred to in text, was in the original "this subtitle", meaning subtitle C of title XI of Pub. L. 99-198, §§ 1141-1143, Dec. 23, 1985, 99 Stat. 1490, which enacted such sections 1241d to 1241p. For complete classification of Pub. L. 99-198, popularly known as the Food Security Act of 1985, to the Code, see Short Title of 1985 Amendment note set out under section 1421 of Title 7, Agriculture, and Tables.

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Merchant Marine Act, 1936, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1241d of this Appendix.

§ 1242. Requisition or purchase of vessels in time of emergency

(a) Compensation; restoration; consequential damages

Whenever the President shall proclaim that the security of the national defense makes it advisable or during any national emergency declared by proclamation of the President, it shall be lawful for the Secretary of Transportation to requisition or purchase any vessel or other watercraft owned by citizens of the United States, or under construction within the United States, or for any period during such emergency, to requisition or charter the use of any such property. The termination of any emergency so declared shall be announced by a further proclamation by the President. When any such property or the use thereof is so requisitioned, the owner thereof shall be paid just compensation for the property taken or for the use of such property, but in no case shall the value of the property taken or used be deemed enhanced by the causes necessitating the taking or use. If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, such property shall be restored to the owner in a condition at least as good as when taken, less ordinary wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the property in such condition. The owner shall not be paid for any consequential damages arising from a taking or use of property under authority of this section.

(b) Determination of value of vessel

When any vessel is taken or used under authority of this section, upon which vessel a construction-differential subsidy has been allowed and paid, the value of the vessel at the time of its taking shall be determined as provided in section 1212 of this Appendix, and in determining the value of any vessel taken or used, on which a construction-differential subsidy has not been paid, the value of any national defense features previously paid for by the United States shall be excluded.

(c) Charter of vessels; compensation; reimbursement for loss or damage

If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, the Secretary of Transportation, at the time of the taking or as soon thereafter as the exigencies of the situation may permit, shall transmit to the person entitled to the possession of such property a charter setting forth the terms which, in the Secretary's judgment, should govern the relationships between the United States and such person and a statement of the rate of hire which, in the Secretary's judgment, will be just compensation for the use of such property and for the services required under the terms of such charter. If such person does not execute and deliver such charter and accept such rate of hire, the Secretary of Transportation shall pay to such person as a tentative advance only, on account of such just compensation a sum equal to 75 per centum of such rate of hire as the same may from time to time be due under the terms of the charter so tendered, and such person shall be entitled to sue the United States in a court having jurisdiction of such claims to recover such amounts as would be equal to just compensation for the use of the property and for the services required in connection with such use: *Provided, however*, That in the event of an election by such person to reject the rate of hire fixed by the Secretary of Transportation and to sue in the courts, the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded. In the event of loss or damage to such property, due to operation of a risk assumed by the United States under the terms of a charter prescribed in this subsection, but no valuation of such vessel or other property or mode of compensation has been agreed to, the United States shall pay just compensation for such loss or damage, to the extent the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage.

(d) Determination of amount of compensation

In all cases, the just compensation authorized by this section shall be determined and paid by the Secretary of Transportation as soon as practicable, but if the amount of just compensation determined by the Secretary is unsatisfactory to the person entitled thereto; such person shall be paid, as a tentative advance only, 75 per centum of the amount so determined and shall be entitled to sue the United States to recover such amount as would equal just compensation therefor, in the manner provided for by sections 1346 and 1491 of title 28: *Provided, however*, That in that event of an election to reject the amount determined by the Secretary of Transportation and to sue in the courts, the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded.

The existence of any valid claim by way of mortgage or maritime claim or attachment lien upon such vessel shall not prevent the taking thereof pursuant to this section: *Provided, however*, That in the event any such claim exists the Secretary of Transportation may in his discretion deposit such portion of the compensation hereunder, or advances on account thereof, as may equal but not exceed the amount of such claims in respect of the vessel, with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 742 of this Appendix and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the Secretary of Transportation and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction.

(e) Use of vessels by Secretary; transfer to other departments or agencies; reimbursement of Secretary

The Secretary of Transportation is authorized to repair, recondition, reconstruct, and operate, or charter for operation, any property acquired under authority of this section. The Secretary of Transportation is further authorized to transfer the possession or control of any such property to any department or agency of the Government of the United States upon such terms and conditions as may be approved by the President. In case of any such transfer the department or agency to which the transfer is made shall promptly reimburse the Secretary of Transportation for the Department of Transportation's expenditures on account of just compensation, purchase price, repairs, reconditioning, reconstruction, or charter hire for the property transferred. Such reimbursements shall be deposited in the construction fund established by section 1116 of this Appendix.

(June 29, 1936, ch. 858, title IX, § 902, 49 Stat. 2015; Aug. 7, 1939, ch. 555, § 3, 53 Stat. 1255; Mar. 24, 1943, ch. 26, § 3(d), 57 Stat. 49; Aug. 3, 1956, ch. 929, §§ 2, 3, 70 Stat. 985; Aug. 6, 1981, Pub. L. 97-31, § 12(131), 95 Stat. 165.)

CODIFICATION

In subsec. (d), "sections 1346 and 1491 of title 28" were substituted for "section 24, paragraph 20, and section 145 of the Judicial Code (U.S.C., 1946 edition, title 28, secs. 41(20) and 250)" on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure. Section 1346 of Title 28 sets forth the basic jurisdiction of the district courts in cases in which the United States is defendant. Section 1491 of Title 28 sets forth the basic jurisdiction of the United States Court of Claims. Sections 24(20) and 145 of the Judicial Code were also restated in sections 1496, 1501, 1503, 2401, 2402, and 2501 of Title 28.

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(131)(A), substituted "Secretary of Transportation" for "Commission". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (c). Pub. L. 97-31, § 12(131)(A), (B), substituted "Secretary of Transportation" for "Commission" in three places and "Secretary's" for "Commission's" in two places. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

Subsec. (d). Pub. L. 97-31, § 12(131)(A), (C), (D), substituted "Secretary of Transportation" for "Commission" and "United States Maritime Commission" and "his discretion" for "its discretion". For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

Subsec. (e). Pub. L. 97-31, § 12(131)(A), (E), substituted "Secretary of Transportation" for "Commission" and "the Department of Transportation's expenditures" for "its expenditures". For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

1956—Subsec. (c). Act Aug. 3, 1956, § 2, inserted "as a tentative advance only," in second sentence, and substituted "in a court having jurisdiction of such claims to recover such amounts as would be equal to just compensation for the use of the property and for the services required in connection with such use: *Provided, however,* That in the event of an election by such person to reject the rate of hire fixed by the Commission and to sue in the courts, the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded." for "to recover such further sum as added to such 75 per centum will make up such amount as will be just compensation for the use of the property and for the services required in connection with such use.".

Subsec. (d). Act Aug. 3, 1956, § 3, inserted "as a tentative advance only", substituted "such amount as would equal" for "such further sum as, added to said 75 per centum will make up such amount as will be" and added proviso.

1943—Subsec. (d). Act Mar. 24, 1943, added second par.

1939—Subsecs. (c) to (e). Act Aug. 7, 1939, added subsecs. (c) to (e).

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of the Treasury Department.

TERMINATION OF WAR AND EMERGENCIES

Act July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of subsec. (a) of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Emergency foreign vessel acquisition, see sections 196 to 198 of Title 50, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 865a, 1152, 1160, 1241a, 1289 of this Appendix; title 50 sections 196, 197; title 50 App. section 1744.

§ 1242-1. Omitted

CODIFICATION

Section, Pub. L. 85-469, title I, § 101, June 25, 1958, 72 Stat. 231, which required computation of funds spent in payment for requisitioned or purchased vessels in accordance with section 1242(a) of this Appendix was not repeated in subsequent appropriation acts.

§ 1242a. Maintenance of and adjustment of obligations with respect to essential vessels affected by Neutrality Act

(a) "Essential vessel" defined

When used in this section the term "essential vessel" means any vessel (1) which is (A) security for any mortgage indebtedness to the United States or (B) constructed under this chapter, or required by the terms of a contract under this chapter to be operated on a certain essential foreign trade route, and (2) which it is necessary in the interests of commerce and national defense to maintain in condition for prompt use.

(b) Adjustment of obligations and arrangements for maintenance of essential vessels

For the purposes of preserving in the national interest the full availability and usefulness of essential vessels, which, under the provisions of the Neutrality Act of 1939 [22 U.S.C. 441 et seq.] (or any proclamation issued thereunder), or compatibly with the national interest, cannot be operated in the service, route, or line to which such vessels are assigned pursuant to this chapter, or in which they would otherwise be operated, the Secretary of Transportation is authorized to make adjustments of obligations in respect to such vessels and to make arrangements for the maintenance of such vessels, subject to the provisions of this section and to such rules and regulations as the Secretary of Transportation shall prescribe as necessary or appropriate for carrying out the purposes and provisions of this section. If the Secretary of Transportation, upon written application in respect of any essential vessel, determines after such examination, investigation, and proceedings as he deems desirable, that (1) the operation of such vessel in the service, route, or line to which such vessel is assigned pursuant to this chapter, or in which it would otherwise be operated, is either (A) not lawful under the Neutrality Act of 1939 (or any proclamation issued thereunder), or (B) not compatible with the maintenance of availability of such vessel for purposes of national defense and commerce, (2) it is not feasible under existing law to employ such vessel in any other service or operation in either the foreign or domestic trades (except temporary or emergency operation under subsection (c)(5) hereof), and (3) the applicant, by reason of the restrictions of the Neutrality Act of 1939, or the withdrawal of vessels for national-defense purposes under clause (1) hereof, is not earning or will not earn a fair and reasonable return on the capital necessarily employed in its business, the Secretary of Transportation may make adjustments and arrangements with the applicant as provided in subsection (c) of this section, which shall continue in effect only during the circumstances above described.

(c) Provisions included within adjustments and arrangements

Such adjustments and arrangements shall include suspension of the requirement to operate such vessel in foreign trade under the applicable operating-differential or construction-differential subsidy contract or mortgage or other agreement, and of the right to operating-differential subsidy in respect of such vessel, and may include any one or more of the following provisions, in whole or in part, as, and to the extent that, the Secretary of Transportation may deem to be necessary or appropriate to carry out the purposes of this chapter, or the purposes and provisions of this section:

(1) Lay-up of the vessel by the owner or, at the option of the Secretary of Transportation, in the custody of the Secretary of Transportation, with payment or reimbursement by the Secretary of Transportation of necessary and proper expenses thereof (including reasonable overhead and insurance), or in lieu of such payment or reimbursement, a fixed periodic allowance therefor;

(2) Postponement, for a period not in excess of the period or periods of lay-up, of the maturity date of each installment on account of the principal of obligations to the United States in respect of the vessel (whether or not such maturity date shall fall within such period or periods), or rearrangement of such maturities;

(3) Postponement or cancellation of interest accruing on such obligations during such period or periods of lay-up;

(4) Extension for a period not in excess of the period or periods of lay-up, of the twenty-year life limitation in respect of the vessel, and of the period or periods of other limitations and provisions of this chapter, insofar as they are based upon a twenty-year life;

(5) Provisions for such temporary or emergency employment of the vessel in lieu of layup as may be practicable, with such arrangements for management of the vessel, payment of expenses, and application of the proceeds of such employment, as the Secretary of Transportation may approve, the period or periods of such operation being included as part of the period or periods of lay-up;

(6) The payment to the Secretary of Transportation, upon termination of the arrangements with the applicant hereunder, out of the applicant's net profits, earned while such arrangements were in effect, in excess of 10 per centum per annum on the capital necessarily employed in the applicant's business, in reimbursement, to the extent that the Secretary of Transportation shall deem it necessary to carry out the purposes of this section, on account of obligations postponed or canceled and expenses incurred or paid by the Secretary of Transportation under this subsection. For the purposes of this paragraph capital of the applicant represented by vessels of the applicant laid up or operated under this section shall not be excluded from capital necessarily employed in the applicant's business. The Secretary of Transportation may require that the vessels so laid up or operated be security for reimbursement hereunder.

(d) Readjustment or modification of adjustments and arrangements

The adjustments and arrangements made under subsection (c) of this section in respect of any vessel shall be subject to such readjustment or modification from time to time as may be deemed necessary by the Secretary of Transportation to carry out the purposes and provisions of this section.

(e) Expenses incurred in adjustments and arrangements

Moneys in the construction fund of the Secretary of Transportation shall be available for expenses of the Secretary of Transportation incurred in adjustments or arrangements made under this section.

(June 29, 1940, ch. 442, 54 Stat. 684; Aug. 6, 1981, Pub. L. 97-31, § 12(132), 95 Stat. 165.)

REFERENCES IN TEXT

The Neutrality Act of 1939, referred to in subsec. (b), is act Nov. 4, 1939, ch. 2, 54 Stat. 4, as amended, which is classified generally to subchapter II (§ 441 et seq.) of chapter 9 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 441 of Title 22 and Tables.

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97-31 substituted "Secretary of Transportation" for "United States Maritime Commission" and "Commission" wherever appearing and "he deems" for "it deems". For prior transfers of functions of United States Maritime Commission, see Transfer of Functions note below.

Subsecs. (c) to (e). Pub. L. 97-31 substituted "Secretary of Transportation" for "Commission" wherever appearing. For prior transfers of functions of the Commission, meaning the United States Maritime Commission, see Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out under section 1111 of this Appendix.

§ 1243. Omitted

CODIFICATION

Section, act June 29, 1936, ch. 858, title IX, § 904, 49 Stat. 2016, which amended prior acts by substituting "United States Maritime Commission" for "United States Shipping Board" or "the Board", was omitted in view of the abolition of the United States Maritime Commission by section 306 of Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1277, set out under section 1111 of this Appendix.

§ 1244. Definitions

When used in this chapter—

(a) The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its Territories or possessions, or the District of Columbia, and a foreign country, except that in the context of section 1177 of this Appendix concerning capital construction funds and in the context of subchapter V of this chapter concerning construction-differential subsidy, the said words "foreign commerce" or "foreign trade" shall also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Transportation pursuant to section 1114(b) of this Appendix.

(b) The term "person" includes corporations, partnerships, and associations existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 802 of this Appendix, and with respect to a corporation under subchapter VI of this chapter, all directors of the corporation are citizens of the United States and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum.

(d) The word "construction" includes outfitting and equipping.

(e) Repealed. Pub. L. 97-31, § 12(133)(B), Aug. 6, 1981, 95 Stat. 165.

(f) The terms "Representative" and "Member of the Congress" include Delegates to the House of Representatives from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner to the House of

Representatives from the Commonwealth of Puerto Rico.

(g) The term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979.

(June 29, 1936, ch. 858, title IX, § 905, 49 Stat. 2016; June 23, 1938, ch. 600, § 39, 52 Stat. 964; July 17, 1952, ch. 939, § 21, 66 Stat. 765; Sept. 21, 1959, Pub. L. 86-327, § 4, 73 Stat. 597; Oct. 21, 1970, Pub. L. 91-469, § 28, 84 Stat. 1034; Aug. 22, 1972, Pub. L. 92-402, § 2, 86 Stat. 617; Oct. 15, 1980, Pub. L. 96-453, § 3(b), 94 Stat. 2008; Aug. 6, 1981, Pub. L. 97-31, § 12(133), 95 Stat. 165.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31, § 12(133)(A), substituted "Secretary of Transportation" for "Secretary of Commerce".

Subsec. (e). Pub. L. 97-31, § 12(133)(B), struck out subsec. (e) which defined "United States Maritime Commission" and "Commission" to mean the Secretary of Commerce, the Maritime Administrator, or the Federal Maritime Commission as the context required.

1980—Subsecs. (f), (g). Pub. L. 96-453 added subsecs. (f) and (g).

1972—Subsec. (a). Pub. L. 92-402 made definition of "foreign commerce" or "foreign trade" in context of subchapter V of this chapter concerning construction-differential subsidy applicable in context of section 1177 of this Appendix concerning capital construction funds, made such definition subject to rules and regulations promulgated by the Secretary of Commerce pursuant to section 1114(b) of this Appendix rather than only to uniform regulations promulgated by the Secretary and also applicable, in the case of bulk cargo carrying services, to trading between foreign ports in such manner as will permit U.S.-flag bulk carrying vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters.

1970—Subsec. (a). Pub. L. 91-469 expanded definition of "foreign commerce" or "foreign trade" to permit United States operators of dry and liquid bulk ships built with construction subsidy to engage in foreign-to-foreign carriage to the extent permitted by regulations issued by the Secretary of Commerce.

1959—Subsec. (c). Pub. L. 86-327 inserted requirement that all the directors of a corporation under subchapter VI of this chapter be United States citizens.

1952—Subsec. (e). Act July 17, 1952, added subsec. (e) which defined "United States Maritme Commission" and "Commission".

1938—Subsec. (a). Act June 23, 1938, inserted reference to "foreign commerce".

Subsec. (c). Act June 23, 1938, inserted provisions relating to interest of citizens of the United States in vessels operated on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-453 effective Oct. 1, 1981, see section 4 of Pub. L. 96-453, set out as an Effective Date note under section 1295 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1274 of this Appendix; title 30 section 1412; title 42 section 9141; title 50 App. section 1745.

§ 1245. Separability of provisions; short title of chapter

If any provisions of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby. This chapter may be cited as the Merchant Marine Act, 1936.

(June 29, 1936, ch. 858, title IX, § 906, 49 Stat. 2016.)

SHORT TITLE OF 1980 AMENDMENT

For short title of Pub. L. 96-453, Oct. 15, 1980, 94 Stat. 1997, which enacted subchapter XIII of this chapter as the Maritime Education and Training Act of 1980, see Short Title note set out under section 1295 of this Appendix.

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-372, § 1, July 31, 1976, 90 Stat. 1042, provided: "That this Act [amending section 1152 of this Appendix] may be cited as the 'Negotiated Shipbuilding Contracting Act of 1976'."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-507, § 8, Oct. 19, 1972, 86 Stat. 917, provided that: "This Act [amending sections 1271 to 1276, 1279a, and 1279b of this Appendix, repealing sections 1276a, 1277, and 1278 of former Title 46, Shipping, and enacting provisions set out as notes under sections 1177 and 1273 of this Appendix] may be cited as the 'Federal Ship Financing Act of 1972'."

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-469, § 1, Oct. 21, 1970, 84 Stat. 1018, provided that: "This Act [enacting section 1507a of Title 15, Commerce and Trade, and section 270f of Title 40, Public Buildings, Property, and Works, amending section 5315 of Title 5, Government Organization and Employees, sections 985 and 988 of Title 33, Navigation and Navigable Waters, sections 1101, 1111, 1119 to 1121, 1151 to 1155, 1159, 1160, 1171 to 1173, 1175 to 1177, 1204, 1213, 1222, 1223, 1241, 1244, 1271, 1273 to 1275, and 1294 of this Appendix, repealing section 1221 of former Title 46, Shipping, and enacting provisions set out as notes under sections 1151, 1173, and 1177 of this Appendix] may be cited as the 'Merchant Marine Act of 1970'."

§ 1246. Effective date of chapter

Except as otherwise provided in this chapter it shall take effect thirty days after a majority of the members of the Commission have taken the oath of office.

(June 29, 1936, ch. 858, title IX, § 907, 49 Stat. 2017.)

TRANSFER OF FUNCTIONS

The Commission, referred to in text, was, in the original, a reference to the United States Maritime Commission, which was abolished and its functions transferred to the Federal Maritime Board and the Secretary of Commerce by Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1274, set out under section 1111 of this Appendix. Reorg. Plan No. 21 of 1950 was, in turn, superseded by Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out under section 1111 of this Appendix. Reorg. Plan No. 7 of 1961 abolished the Federal Maritime Board, including the offices of the members thereof, and transferred its functions either to the newly created Federal Maritime Commission or to the Secretary of Commerce. See also section 1244 of this Appendix. Sections 1601 and 1602 of this Appendix transferred the Maritime Administration of the Department of Commerce to the Department of Transportation and transferred the functions of the Secretary of Commerce relating to the Administration to the Secretary of Transportation.

§ 1247. Appointment of Secretary as trustee or receiver; operation of vessels under court orders; payment of operating costs; claims against corporation

(a) Notwithstanding any other provision of law, in any proceeding in a bankruptcy, equity, or admiralty court of the United States in which a receiver or trustee may be appointed for any corporation engaged in the operation of one or more vessels of United States registry between the United States and any foreign country, upon which the United States holds mortgages, the court, upon finding that it will inure to the advantage of the estate and the parties in interest and that it will tend to further the purposes of this chapter, may constitute and appoint the Secretary of Transportation as sole trustee or receiver, subject to the directions and orders of the court, and in any such proceeding the appointment of any person other than the Secretary as trustee or receiver shall become effective upon the ratification thereof by the Secretary without a hearing, unless the Secretary shall deem a hearing necessary. In no such proceeding shall the Secretary be constituted as trustee or receiver without the Secretary's express consent.

(b) If the court, in any such proceeding, is unwilling to permit the trustee or receiver to operate such vessels in such service pending the termination of such proceeding, without financial aid from the Government, and the Secretary certifies to the court that the continued operation of such vessel is, in the opinion of the Secretary, essential to the foreign commerce of the United States and is reasonably calculated to carry out the purposes and policy of this chapter, the court may permit the Secretary to operate the vessels subject to the orders of the court and upon terms decreed by the court sufficient to protect all the parties in interest, for the account of the trustee or receiver, directly or through a managing agent or operator employed by the Secretary, if the Secretary undertakes to pay all operating losses resulting from such operation, and comply with the terms imposed by the court, and such vessel shall be considered to be a vessel of the United States within the meaning of the Suits in Admiralty Act [46 App. U.S.C. 741 et seq.]. The Secretary shall have no claim against the corporation, its estate, or its assets for the amount of such payments, but the Secretary may pay such sums for depreciation as it deems reasonable and such other sums as the court may deem just. The payment of such sums, and compliance with other terms duly imposed by the court, together with the payment of the operating losses, shall be in satisfaction of all claims against the Secretary on account of the operation of such vessels.

(June 29, 1936, ch. 858, title IX, § 908, as added Nov. 6, 1978, Pub. L. 95-598, title III, § 334, 92 Stat. 2680, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(134), 95 Stat. 165.)

References in Text

The Suits in Admiralty Act, referred to in subsec. (b), is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§ 741 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 741 of this Appendix and Tables.

Amendments

1981—Subsec. (a). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

Effective Date

Section effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 1248. Enrollment in a sealift readiness program

No vessel may receive construction differential subsidy or operating differential subsidy if it is not offered for enrollment in a sealift readiness program approved by the Secretary of Defense.

(June 29, 1936, ch. 858, title IX, § 909, as added Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1605, 95 Stat. 752.)

SUBCHAPTER X—MARITIME LABOR RELATIONS

Working Hours and Overtime of Employees

Act May 2, 1941, ch. 84, § 4, 55 Stat. 150, as extended by act June 16, 1942, ch. 416, 56 Stat. 370, relating to working hours and overtime of employees engaged in United States Maritime Commission ship construction and national defense work, formerly set out as note under this subchapter, was repealed by act May 7, 1943, ch. 93, § 5, 57 Stat. 77.

§§ 1251 to 1255. Omitted

Codification

Sections 1251 to 1255 expired at the end of 4 years from June 23, 1938, pursuant to section 1262 of this Appendix.

Section 1251, act June 29, 1936, ch. 858, title IX, § 1001, as added June 23, 1938, ch. 600, § 45, 52 Stat. 965, declared the policy of this subchapter to be the elimination of obstruction to free flow of water-borne commerce by means of collective bargaining.

Section 1252, act June 29, 1936, ch. 858, title IX, § 1002, as added June 23, 1938, ch. 600, § 45, 52 Stat. 965, related to the effect of this subchapter on other laws.

Section 1253, act June 29, 1936, ch. 858, title IX, § 1003, as added June 23, 1938, ch. 600, § 45, 52 Stat. 965, related to definitions.

Section 1254, act June 29, 1936, ch. 858, title IX, § 1004, as added June 23, 1938, ch. 600, § 45, 52 Stat. 966, and amended June 23, 1941, ch. 228, § 2, 55 Stat. 259, related to the duty of the Maritime Labor Board to encourage employer-employee agreements and settlements.

Section 1255, act June 29, 1936, ch. 858, title IX, § 1005, as added June 23, 1938, ch. 600, § 45, 52 Stat. 967, related to the filing of copies of labor contracts with the Maritime Labor Board and the penalty for failure to file.

§§ 1260 to 1262. Omitted

CODIFICATION

Sections 1260 to 1262 expired at the end of 4 years from June 23, 1938, pursuant to section 1262 of this Appendix.

Section 1260, act June 29, 1936, ch. 858, title X, § 1010, as added June 23, 1938, ch. 600, § 45, 52 Stat. 969 and amended June 23, 1941, ch. 228, § 3, 55 Stat. 259, related to a report of a plan for permanent labor policy.

Section 1261, act June 29, 1936, ch. 858, title X, § 1011, as added June 23, 1938, ch. 600, § 45, 52 Stat. 969, authorized appropriations.

Section 1262, act June 29, 1936, ch. 858, title X, § 1012, as added June 23, 1938, ch. 600, § 45, 52 Stat. 969, and amended June 23, 1941, ch. 228, § 1, 55 Stat. 259, provided that the provisions of this subchapter expire at the end of four years from June 23, 1938.

SUBCHAPTER XI—FEDERAL SHIP MORTGAGE INSURANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1152, 1160, 1161 of this Appendix; title 16 section 742c-1.

§ 1271. Definitions

As used in this subchapter—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended [46 App. U.S.C. 911 et seq.], on any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel of less than twenty-five gross tons), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended;

(b) The term "vessel" includes all types, whether in existence or under construction, of passenger cargo and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, dredges and ocean thermal energy conversion facilities or plantships which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwise trade within the meaning of section 802 of this Appendix, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction or pollution treatment, abatement or control vessels owned by citizens of the United States;

(c) The term "obligation" shall mean any note, bond, debenture, or other evidence of indebtedness (exclusive of notes or other obligations issued by the Secretary pursuant to section 1275(d) of this Appendix and obligations eligible for investment of funds under sections 1272 and 1279a(d) of this Appendix), issued for one of the purposes specified in section 1274(a) of this Appendix;

(d) The term "obligor" shall mean any party primarily liable for payment of the principal of or interest on any obligation;

(e) The term "obligee" shall mean the holder of an obligation;

(f) The term "actual cost" of a vessel as of any specified date means the aggregate, as determined by the Secretary, of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

(g) The term "depreciated actual cost" of a vessel means the actual cost of the vessel depreciated on a straightline basis over the useful life of the vessel as determined by the Secretary, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straightline basis from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary.

(h) The terms "construction," "reconstruction," or "reconditioning" shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping;

(i) The term "ocean thermal energy conversion facility or plantship" means any at-sea facility or vessel, whether mobile, floating unmoored, moored, or standing on the seabed, which uses temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility or vessel to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any cable or pipeline used to deliver such electricity, freshwater, or product to shore, and all other associated equipment and appurtenances of such facility or vessel, to the extent they are located seaward of the highwater mark;

(j) The term "citizen of the Northern Mariana Islands" means—

(1) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

(2) a corporation, partnership, association, or other entity formed under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in paragraph (1) or citizens or nationals of the United States, in cases in which "owned" is used in the same sense as in section 802 of this Appendix;

(k) The term "fishery facility" means—

(1) for operations on land—

(A) any structure or appurtenance thereto designed for the unloading and receiving from vessels, the processing, the holding pending processing, the distribution after processing, or the holding pending distribution, of fish from one or more fisheries,

(B) the land necessary for any such structure or appurtenance described in subparagraph (A), and

(C) equipment which is for use in connection with any such structure or appurtenance and which is necessary for the performance of any function referred to in subparagraph (A); or

(2) for operations other than on land, any vessel built in the United States used for, equipped to be used for, or of a type which is normally used for, the processing of fish;

but only if such structure, appurtenance, land, equipment, or vessel is owned by an individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands or by a corporation, partnership, association, or other entity that is a citizen of the United States within the meaning of section 802 of this Appendix, and for purposes of applying such section 802 of this Appendix with respect to this section—

(i) the term "State" as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States; and

(ii) citizens of the United States must own not less than 75 percent of the interest in the entity and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement;

(*l*) The term "fishing vessel" has the meaning given such term by section 1802(11) of title 16; and any reference in this subchapter to a vessel designed principally for commercial use in the fishing trade or industry shall be treated as a reference to a fishing vessel;

(m) The term "United States" when used in a geographical context with respect to fishing vessels or fishery facilities includes all States referred to in subsection (k)(i) of this section.

(n) The term "Secretary" means the Secretary of Commerce with respect to fishing vessels and fishing facilities as provided by this subchapter, and the Secretary of Transportation with respect to all other vessels.

(June 29, 1936, ch. 858, title XI, § 1101, as added June 23, 1938, ch. 600, § 46, 52 Stat. 969, and amended Sept. 3, 1954, ch. 1265, § 1, 68 Stat. 1267; Aug. 7, 1956, ch. 1026, § 1(a), (b), 70 Stat. 1087; July 31, 1959, Pub. L. 86-127, § 1(1), 73 Stat. 272; Sept. 2, 1960, Pub. L. 86-685, § 1, 74 Stat. 733; Sept. 26, 1961, Pub. L. 87-303, § 2, 75 Stat. 661; Oct. 21, 1970, Pub. L. 91-469, § 29, 84 Stat. 1035; Oct. 19, 1972, Pub. L. 92-507, § 1, 86 Stat. 909; Aug. 3, 1980, Pub. L. 96-320, title II, § 202(a), 94 Stat. 992; Dec. 22, 1980, Pub. L. 96-561, title II, § 220(1), 94 Stat. 3291; Aug. 6, 1981, Pub. L. 97-31, § 12(135), 95 Stat. 165.)

REFERENCES IN TEXT

The Ship Mortgage Act, 1920, referred to in subsec. (a), is section 30 of act June 5, 1920, ch. 250, 41 Stat. 1000, as amended, which is classified generally to chapter 25 (§ 911 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 984 of this Appendix and Tables.

AMENDMENTS

1981—Subsecs. (c), (f), (g). Pub. L. 97-31, § 12(135)(A), struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (n). Pub. L. 97-31, § 12(135)(B), added subsec. (n).

1980—Subsec. (b). Pub. L. 96-320, § 202(a)(1), added reference to ocean thermal energy conversion facilities or plantships.

Subsec. (i). Pub. L. 96-320, § 202(a)(2)-(4), added subsec. (i).

Subsecs. (j) to (m). Pub. L. 96-561 added subsecs. (j) to (m).

1972—Subsec. (a). Pub. L. 92-507 reduced the minimum size requirement for certain vessels from 200 gross tons to 25 gross tons.

Subsec. (b). Pub. L. 92-507 substituted definition of "vessel" for definition of "loan".

Subsec. (c). Pub. L. 92-507 substituted definition of "obligation" for definition of "vessel".

Subsec. (d). Pub. L. 92-507 substituted definition of "obligor" for definition of "mortgagee".

Subsec. (e). Pub. L. 92-507 substituted definition of "obligee" for definition of "mortgagor".

Subsec. (f). Pub. L. 92-507 struck out proviso and substituted obligor for mortgagor or borrower.

Subsecs. (g), (h). Pub. L. 92-507 added subsecs. (g) and (h).

1970—Subsec. (c). Pub. L. 91-469 included oceanographic research or instruction vessels in definition of term "vessel".

1961—Subsec. (a). Pub. L. 87-303 excluded towboats, barges, scows, lighters, car floats, canal boats or tank vessels of less than two hundred gross tons.

1960—Subsec. (c). Pub. L. 86-685 included floating drydocks which have a capacity of 35,000 or more lifting tons and a beam of 125 feet or more between the wing walls.

1959—Subsec. (f). Pub. L. 86-127 inserted in proviso "in respect of the unpaid balance of the principal of a mortgage or loan" and exception clause.

1956—Subsec. (f). Act Aug. 7, 1956, struck out ", except for certain special purpose vessels as provided for in subsections (a) and (b) of section 1273 of this Appendix," in proviso following "That in no event", and struck out "90 per centum of" both before and after "75 per centum, or".

1954—Act Sept. 3, 1954, defined "loan" and "actual cost" and redefined "mortgagee".

SECRETARY OF COMMERCE: FISHING VESSEL INSURANCE

Secretary of Commerce authorized to exercise authority in relation to issuance of insurance on fishing vessels comparable to authority of Secretary of Commerce under this subchapter, see note set out under section 1275 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1274, 1279c of this Appendix; title 30 section 1412.

§ 1272. Federal Ship Financing Fund

There is created a Federal Ship Financing Fund (hereinafter referred to as the Fund) which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this subchapter, and there shall be allocated to such fund the sum of $1,000,000 out of funds made available to the Secretary under the appropriation authorized by section 1279 of this Appendix. Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

(June 29, 1936, ch. 858, title XI, § 1102, as added June 23, 1938, ch. 600, § 46, 52 Stat. 969, and amended Sept. 3, 1954, ch. 1265, § 2, 68 Stat. 1268; July 31, 1959, Pub. L. 86-123, § 1(2), 73 Stat. 269; Oct. 19, 1972, Pub. L. 92-507, § 2, 86 Stat. 910; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166.)

AMENDMENTS

1981—Pub. L. 97-31 struck out "of Commerce" after "Secretary" in two places.

1972—Pub. L. 92-507 substituted "Federal Ship Financing Fund" for "Federal Ship Mortgage Insurance Fund", and "Fund" for "fund" in four places.

1959—Pub. L. 86-123 substituted "section 1110" for "section 1109" of act June 29, 1936, which for purposes of codification has been changed to "section 1279 of this Appendix".

1954—Act Sept. 3, 1954, omitted provisions relating to the purchase of debentures and substituted "Secretary of Commerce" for "Commission".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1271, 1274, 1275, 1279c of this Appendix; title 16 section 742c-1.

§ 1273. Authorization of Secretary to guarantee obligations

(a) Principal and interest

The Secretary, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this subchapter.

(b) Security interest

No obligation shall be guaranteed under this subchapter unless the obligor conveys or agrees to convey to the Secretary such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary may reasonably require to protect the interest of the United States.

(c) Amount of guarantee; percentage limitation; determination of actual cost of vessel

The Secretary shall not guarantee the principal of obligations in an amount in excess of 75 per centum, or 87½ per centum, whichever is applicable under section 1274 of this Appendix, of the amount, as determined by the Secretary which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary, unless the obligor creates an escrow fund as authorized by section 1279a of this Appendix, in which case the Secretary may guarantee 75 per centum or 87½ per centum, whichever is applicable under section 1274 of this Appendix, of the actual cost of such vessel or vessels.

(d) Pledge of United States

The full faith and credit of the United States is pledged to the payment of all guarantees made under this subchapter with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) Proof of obligations

Any guarantee, or commitment to guarantee, made by the Secretary under this subchapter shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable. Notwithstanding an assumption of an obligation by the Secretary under section 1275(a) or (b) of this Appendix, the validity of the guarantee of an obligation made by the Secretary under this subchapter is unaffected and the guarantee remains in full force and effect.

(f) Limitation on outstanding amount

The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which $1,650,000,000 shall be limited to obligations pertaining to commerical demonstration ocean thermal energy conversion facilities or plantships guaranteed under section 1279c of this Appendix, and of which $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this subchapter. No additional limitations may be imposed on new commitments to guarantee loans for any fiscal year, except in such amounts as established in advance in annual authorization Acts. No vessel eligible for guarantees under this subchapter shall be denied eligibility because of its type.

(June 29, 1936, ch. 858, title XI, § 1103, as added June 23, 1938, ch. 600, § 46, 52 Stat. 969, and amended Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Oct. 21, 1970, Pub. L. 91-469, § 30, 84 Stat. 1035; Oct. 19, 1972, Pub. L. 92-507, § 3, 86 Stat. 910; July 10, 1973, Pub. L. 93-70, § 3, 87 Stat. 168; Nov. 13, 1975, Pub. L. 94-127, § 5, 89 Stat. 681; June 26, 1978, Pub. L. 95-298, § 5, 92 Stat. 340; Aug. 3, 1980, Pub. L. 96-320, title II, § 203(b)(1), 94 Stat. 994; Dec. 22, 1980, Pub. L. 96-561, title II, § 220(2), 94 Stat. 3292; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1606(a), (b), 95 Stat. 752; Jan. 6, 1983, Pub. L. 97-424, title IV, § 425, 96 Stat. 2167; Oct. 30, 1984, Pub. L. 98-595, § 1(1), 98 Stat. 3130.)

AMENDMENTS

1984—Subsec. (e). Pub. L. 98-595 added "Notwithstanding an assumption of an obligation by the Secretary under section 1275(a) or (b) of this Appendix, the validity of the guarantee of an obligation made by the Secretary under this subchapter is unaffected and the guarantee remains in full force and effect."

1983—Subsec. (f). Pub. L. 97-424 added provision that no additional limitations may be imposed on new commitments to guarantee loans for any fiscal year, except in such amounts as established in advance in annual authorization Acts, and that no vessel eligible for guarantees under this subchapter shall be denied eligibility because of its type.

1981—Subsecs. (a) to (c), (e). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (f). Pub. L. 97-35, § 1606(b), increased the maximum amount from $10,000,000,000 to $12,000,000,000, and substituted provisions relating to monetary limitations and criteria for obligations, for former pars. (1) and (2) relating to percentage limitations and criteria for obligations, and required aggregate amount.

1980—Subsec. (f). Pub. L. 96-561 added pars. (1) and (2) and provision that the aggregate amount reserved for the purposes set forth in pars. (1) and (2) equal 10 percent of such sum.

Pub. L. 96-320, § 203(b), which effective Oct. 1, 1981, substituted "$12,000,000,000, of which $2,000,000,000 shall be limited to obligations pertaining to commercial demonstration ocean thermal energy conversion facilities or plantships guaranteed pursuant to section 1279c of this Appendix" for "$10,000,000,000" was later repealed by Pub. L. 97-35. See Repeals note set out below.

1978—Subsec. (f). Pub. L. 95-298 increased limitation on amount of outstanding obligations from $7,000,000,000 to $10,000,000,000.

1975—Subsec. (f). Pub. L. 94-127 increased limitation on amount of outstanding obligations from $5,000,000,000 to $7,000,000,000.

1973—Subsec. (f). Pub. L. 93-70 increased limitation on amount of outstanding obligations from $3,000,000,000 to $5,000,000,000.

1972—Subsec. (a). Pub. L. 92-507 incorporated provisions of former subsecs. (a) and (b) into subsec. (a) and substituted provisions authorizing the Secretary to guarantee the payment of principal and interest on the obligation for provisions authorizing the Secretary to insure a mortgage or a loan.

Subsec. (b). Pub. L. 92-507 added subsec. (b). Provisions of former subsec. (b) were incorporated into subsec. (a).

Subsec. (c). Pub. L. 92-507 substituted provisions making the Secretary's determination of actual cost of the vessel conclusive for the purposes of determining the maximum amount which may be guaranteed, for provisions making the mortgagee or lender the beneficiary of insurance contracts.

Subsec. (d). Pub. L. 92-507 substituted provisions pledging the full faith and credit of the United States for payment of all guarantees with interest, for provisions pledging the faith of the United States to the payment of principal and interest of each mortgage and loan.

Subsec. (e). Pub. L. 92-507 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 92-507 redesignated former subsec. (e) as subsec. (f), and in subsec. (f) as so redesignated, substituted "obligations guaranteed" for "mortgages and loans insured".

1970—Subsec. (e). Pub. L. 91-469 increased limitation on outstanding amount of mortgages and loans insured under this section from one to three billion dollars.

1956—Subsec. (a). Act Aug. 7, 1956, § 1(a), (c), struck out "90 per centum of" before "the unpaid balance" and eliminated proviso that as to special purpose vessels certified essential to national defense, Secretary of Commerce may insure 100 per centum of principal and interest on eligible mortgages.

Subsec. (b). Act Aug. 7, 1956, § 1(a), (c), struck out "90 per centum of" before "the unpaid balance" and proviso that as to special purpose vessels certified essential to national defense, Secretary of Commerce may insure 100 per centum of principal and interest on eligible loans.

Subsec. (d). Act Aug. 7, 1956, § 1(d), struck out "the" before "interest on and" and "90 per centum of" after such words.

Act June 25, 1956, pledged the faith of the United States, in the case of special-purpose vessels, to the payment of the interest on and 100 per centum of the unpaid balance of the principal amount of each mortgage and loan insured under this subchapter.

1954—Act Sept. 3, 1954, provided for the insurance of mortgages by Secretary up to 90 per centum of unpaid balance except that vessels essential to national defense may be insured up to 100 per centum, to provide for insurance contracts, pledged the United States as security, and limited aggregate unpaid principal to $1,000,000,000.

1953—Act Aug. 15, 1953, designated existing provisions as subsec. (a), inserted "90 per centum of the unpaid balance" after "provided" and struck out last sentence relating to aggregate amount of mortgage obligations, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1956 AMENDMENT

Act June 25, 1956, which amended subsec. (d) of this section, provided in part that the amendment of subsec. (d) should be effective Sept. 3, 1954.

REPEALS

Pub. L. 96-320, title II, § 203(b), Aug. 3, 1980, 94 Stat. 994, cited as a credit to this section, which amended subsec. (f) of this section, effective Oct. 1, 1981, by increasing the aggregate unpaid principal amount of obligations guaranteed under this section to $12,000,000,000 of which $2,000,000,000 was to be limited to obligations pertaining to commercial demonstration ocean thermal energy conversion facilities or plantships guaranteed pursuant to section 1279c of this Appendix, was repealed by Pub. L. 97-35, title XVI, § 1606(a), Aug. 13, 1981, 95 Stat. 752.

ELECTION OF COVERAGE

Section 7 of Pub. L. 92-507 provided that: "Any citizen of the United States to whom the Secretary of Commerce issued an approval in principle of an application for loan or mortgage insurance or a commitment with respect to such insurance under the provisions of title XI of the Merchant Marine Act, 1936 [this subchapter], prior to the effective date of this Act [Oct. 19, 1972] may elect, with respect to the vessels covered by such approval or commitment, to be bound either by the provisions of title XI of the Merchant Marine Act, 1936 [this subchapter], as in effect prior to the effective date of this Act [Oct. 19, 1972] or by the provisions of this Act [see Short Title of 1972 Amendment note under section 1245 of this Appendix]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1274, 1279c of this Appendix.

§ 1274. Eligibility for guarantee

(a) Purpose of obligations

Pursuant to the authority granted under section 1273(a) of this Appendix, the Secretary, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 1244 of this Appendix for purposes of subchapter

V of this chapter;; or (D)[1] as an ocean thermal energy conversion facility or plantship; or (E) with respect to floating drydocks, in the construction, reconstruction, reconditioning, or repair of vessels: *Provided, however,* That no guarantee shall be entered into pursuant to this paragraph (a)(1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels, or facilities or equipment pertaining to marine operations;

(2) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, reconditioning, or purchase of a vessel or vessels owned by citizens or nationals of the United States or citizens of the Northern Mariana Islands which are designed principally for research, or for commercial use in the fishing trade or industry;

(3) financing the purchase, reconstruction, or reconditioning of vessels or fishery facilities for which obligations were guaranteed under this subchapter that, under the provisions of section 1275 of this Appendix:

(A) are vessels or fishery facilities for which obligations were accelerated and paid;

(B) were acquired by the Fund; or

(C) were sold at foreclosure instituted by the Secretary;

(4) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to subchapter V of this chapter;

(5) refinancing existing obligations issued for one of the purposes specified in (1), (2), (3), or (4) whether or not guaranteed under this subchapter, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time; or

(6) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made for, the construction, reconstruction, reconditioning, or purchase of fishery facilities.

Any obligation guaranteed under paragraph (6) shall be treated, for purposes of this subchapter in the same manner and to the same extent as an obligation guaranteed under this subchapter which aids in the construction, reconstruction, reconditioning, or purchase of a vessel; except with respect to provisions of this subchapter that by their nature can only be applied to vessels.

(b) Contents of obligations

Obligations guaranteed under this subchapter—

(1) shall have an obligor approved by the Secretary as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary;

(2) subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary, of the vessel which is used as security for the guarantee of the Secretary: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary; and which is or would have been eligible for mortgage aid for construction under section 1159 of this Appendix (or would have been eligible for mortgage aid under section 1159 of this Appendix except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further,* That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof: *Provided, further,* That in the case of any vessel to be used in the fishing trade or industry, such obligations may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost of the vessel: *Provided further,* That in the case of an ocean thermal energy conversion facility or plantship which is constructed without the aid of construction-differential subsidy, such obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the facility or plantship;

(3) shall have maturity dates satisfactory to the Secretary but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twenty-five years from the date of the delivery of the vessel which serves as security for the guarantee of the Secretary or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary;

(4) shall provide for payments by the obligor satisfactory to the Secretary;

(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary;

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[1] So in original. Probably should be "chapter; (D)".

(6) shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary is a delivered vessel, the vessel shall be in class A-1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service; and

(7) may provide, or a related agreement may provide, if the vessel used as security for the guarantee of the Secretary is a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in subchapter V of this chapter, and if the Secretary approves, that the sole recourse against the obligor by the United States for any payments under the guarantee shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the obligor for any payments of principal and interest under the guarantee shall be satisfied and discharged by the surrender of the vessel and all right, title, and interest therein to the United States: *Provided*, That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the security interest conveyed to the Secretary under this subchapter, (ii) in class, and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the obligor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the Secretary of claims of the obligor under such policies.

The Secretary may not establish, as a condition of eligibility for guarantee under this subchapter, a minimum principal amount for an obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility. For purposes of this subchapter, the reconstruction or reconditioning of a fishing vessel or fishery facility does not include the routine minor repair of maintenance of the vessel or facility.

(c) Security

(1) The security for the guarantee of an obligation by the Secretary under this subchapter may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary under this subchapter may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for the guarantee of an obligation by the Secretary under this subchapter relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided*, That the Secretary may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

(d) Restrictions

(1)(A) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Transportation unless the Secretary finds that the property or project with respect to which the obligation will be executed will be economically sound. In making that determination, the Secretary shall consider—

(i) the need in the particular segment of the maritime industry for new or additional capacity, including any impact on existing equipment for which a guarantee under this subchapter is in effect;

(ii) the market potential for the employment of the vessel over the life of the guarantee;

(iii) projected revenues and expenses associated with employment of the vessel;

(iv) any charters, contracts of affreightment, transportation agreements, or similar agreements or undertakings relevant to the employment of the vessel;

(v) other relevant criteria; and

(vi) for inland waterways, the need for technical improvements, including but not limited to increased fuel efficiency, or improved safety.

(B) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Commerce unless the Secretary finds, at or prior to the time such commitment is made or guarantee becomes effective, that the property or project with respect to which the obligation will be executed will be, in the Secretary's opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, or with the need for technical improvements including but not limited to increased fuel efficiency or improved safety.

(2) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this subchapter for the purchase of a used fishing vessel or used fishery facility unless—

(A) the vessel or facility will be reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

(B) the vessel or facility will be used in the harvesting of fish from, or for a purpose described in section 1271(k) of this Appendix with respect to, an underutilized fishery.

(e) Guarantee fees

The Secretary is authorized to fix a fee for the guarantee of an obligation under this subchapter. If the security for the guarantee of an obligation under this subchapter relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1279a of this Appendix. If the security for the guarantee of an obligation under this subchapter relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1279a of this Appendix. For purposes of this subsection (e), if the security for the guarantee of an obligation under this subchapter relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary. Fee payments shall be made by the obligor to the Secretary when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe. Such regulations shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligors pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligations).

(f) Investigation of applications

The Secretary shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1279a of this Appendix and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

(g) Disposition of moneys

All moneys received by the Secretary under the provisions of sections 1271 to 1276 and 1279 of this Appendix shall be deposited in the Fund.

(h) Additional requirements

Obligations guaranteed under this subchapter and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration, assumption, and subrogation provisions and the issuance of notes by the obligor to the Secretary), liens and releases of liens, payments of taxes, and such other matters as the Secretary may, in his discretion, prescribe.

(June 29, 1936, ch. 858, title XI, § 1104, as added June 23, 1938, ch. 600, § 46, 52 Stat. 970, and amended Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; July 31, 1959, Pub. L. 86-123, §§ 1(3), 2, 73 Stat. 269, 271; July 31, 1959, Pub. L. 86-127, § 1(3), (4), 73 Stat. 273; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Sept. 2, 1960, Pub. L. 86-685, §§ 2, 3, 74 Stat. 733; June 15, 1968, Pub. L. 90-341, 82 Stat. 180; Oct. 21, 1970, Pub. L. 91-469, §§ 31, 32, 84 Stat. 1035; Oct. 19, 1972, Pub. L. 92-507, § 3, 86 Stat. 910; Apr. 7, 1978, Pub. L. 95-257, 92 Stat. 194; Aug. 3, 1980, Pub. L. 96-320, title II, § 202(b), (c), 94 Stat. 992; Dec. 22, 1980, Pub. L. 96-561, title II, § 220(3), 94 Stat. 3292; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1606(c), (d), 95 Stat. 752; Oct. 30, 1984, Pub. L. 98-595, § 1(2)-(7), (12), 98 Stat. 3130, 3131.)

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-595, § 1(2), substituted provisions relating to financing of purchase, reconstruction or reconditioning of designated vessels or fishery facilities for former provisions relating to financing of vessels acquired by the Federal Ship Financing Fund pursuant to section 1275 of this Appendix.

Subsec. (a)(5). Pub. L. 98-595, § 1(3), added "or" after "time".

Subsec. (a)(6). Pub. L. 98-595, § 1(4), substituted a period for "; or" after "facilities".

Subsec. (a)(7). Pub. L. 98-595, § 1(5), struck out par. (7) which related to the financing of the purchase of fishing vessels or fishery facilities sold at foreclosure instituted by the Secretary.

Subsec. (d)(1). Pub. L. 98-595, § 1(6), substituted provisions establishing economical soundness as a requirement for a commitment by the Secretary and detailing factors for evaluation for former provisions which established the general criteria of economical soundness and wise use of fishery resources.

Subsec. (e). Pub. L. 98-595, § 1(12), added "Such regulations shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligors pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligations)."

Subsec. (h). Pub. L. 98-595, § 1(7), added ", assumption," after "acceleration".

1981—Subsecs. (a) to (c). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (d). Pub. L. 97-35, § 1606(c), in par. (1) substituted "No" for "Except as provided in paragraph (2), no", struck out par. (2) which related to application of par. (1), and redesignated par. (3) as (2).

Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsecs. (e), (f). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (g). Pub. L. 97-35, § 1606(d), designated par. (1) as entire provision, and struck out par. (2) which required the Secretary to establish subfunds within the Fund.

Pub. L. 97-31 struck out "of Commerce" after "Secretary".

Subsec. (h). Pub. L. 97-31 struck out "of Commerce" after "Secretary" in two places.

1980—Subsec. (a). Pub. L. 96-561, § 220(3)(A)(vi), inserted provision after par. (7) that any obligation guaranteed under par. (6) be treated, for purposes of this subchapter, in the same manner and to the same extent as an obligation guaranteed under this subchapter which aids in the construction, reconstruction, reconditioning, or purchase of a vessel, except with respect to provisions of this subchapter that by their nature can only be applied to vessels.

Subsec. (a)(1). Pub. L. 96-561, § 220(3)(A)(i), (ii), substituted "; or (D)" for "(D) in the fishing trade or industry; (E)" and redesignated cl. (F) as (E).

Pub. L. 96-320, § 202(b), redesignated cl. (E), relating to floating drydocks, as cl. (F) and added cl. (E) relating to ocean thermal energy conversion facilities or plantships.

Subsec. (a)(2). Pub. L. 96-561, § 220(3)(A)(iii), added par. (2) and redesignated former par. (2) as (3).

Subsec. (a)(3). Pub. L. 96-561, § 220(3)(A)(iii), redesignated former par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 96-561, § 220(3)(A)(iii), (iv), redesignated former par. (3) as (4), and in par. (4) as so redesignated, substituted "this chapter;" for "this chapter; or". Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 96-561, § 220(3)(A)(iii), (v), redesignated former par. (4) as (5), and in par. (5) as so redesignated, substituted "(3), or (4)" for "or (3)" and a semicolon for a period at the end thereof.

Subsec. (a)(6), (7). Pub. L. 96-561, § 220(3)(A)(vi), added pars. (6) and (7).

Subsec. (b). Pub. L. 96-561, § 220(3)(B), inserted provision after par. (7) prohibiting the Secretary from establishing, as a condition of eligibility for guarantee, a minimum principal amount for an obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility, which reconstruction or reconditioning does not include the routine minor repair or maintenance of the vessel or facility.

Subsec. (b)(2). Pub. L. 96-320, § 202(c), added proviso that in the case of an ocean thermal energy conversion facility or plantship which is constructed without the aid of construction-differential subsidy, the obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the facility or plantship.

Subsec. (d). Pub. L. 96-561, § 220(3)(C), designated existing provision as par. (1), and in par. (1), as so designated, substituted "Except as provided in paragraph (2), no" for "No", and added pars. (2) and (3).

Subsec. (g). Pub. L. 96-561, § 220(3)(D), designated existing provision as par. (1) and added par. (2).

1978—Subsec. (b)(2). Pub. L. 95-257 added proviso relating to vessels to be used in the fishing trade or industry.

1972—Subsec. (a). Pub. L. 92-507 substituted provisions relating to the purposes for which guarantees may be made, for provisions relating to the eligibility of mortgages for insurance.

Subsec. (b). Pub. L. 92-507 substituted provisions relating to the eligibility requirements of obligations for guarantee, for provisions relating to the eligibility of loans for insurance.

Subsec. (c). Pub. L. 92-507 substituted provisions that security for guarantee may relate to more than one vessel, that security may consist of any combination of types of security, and that an obligation may have the latest maturity date permissible for any vessel which serves as security for the government guarantee of the related obligations, for provisions relating to the prior determination of the soundness of the property or project for mortgage or loan.

Subsec. (d). Pub. L. 92-507 incorporated provisions of former subsec. (c) into subsec. (d) and extended provisions of this subchapter to commercial fishing vessels. Provisions of former subsec. (d) were incorporated into subsec. (e).

Subsec. (e). Pub. L. 92-507 incorporated provisions of former subsec. (d) into subsec. (e) and substituted therein provisions authorizing the Secretary to fix a fee for the guarantee of obligations and providing separate formulae for delivered vessels and vessels under construction, for provisions authorizing the Secretary to fix a premium charge for the insurance of mortgages and loans and providing separate formulae for mortgages and loans by reference to section 1273 of this Appendix. Provisions of former subsec. (e) were incorporated into subsec. (f).

Subsec. (f). Pub. L. 92-507 incorporated provisions of former subsec. (e), relating to the collection of investigation fees from applicants for insurance into subsec. (f), and substituted therefor provisions relating to the collection of investigation fees from applicants for guarantee. Provisions of former subsec. (f) incorporated into subsec. (g).

Subsec. (g). Pub. L. 92-507 incorporated provisions of former subsec. (f) into subsec. (g).

Subsec. (h). Pub. L. 92-507 added subsec. (h).

1970—Subsec. (a)(8). Pub. L. 91-469, § 31, inserted "research, or for" before "commercial use".

Subsec. (b). Pub. L. 91-469, § 32, inserted in par. (2) "research, or for" before "commercial use", substituted in par. (4) "not exceed" for "be less than", and inserted in par. (4) restriction that advance and principal amount of other advances under insured loans outstanding at time of advance shall not exceed 87½ per centum of actual cost of vessel where in the case of the approved vessel the minimum downpayment by the mortgagor required by section 1159 of this Appendix would be 12½ per centum of cost of vessel.

1968—Subsec. (a)(5). Pub. L. 90-341 substituted provision that the maximum interest rates allowed on ship mortgages eligible for insurance coverage be at such rates on the outstanding principle obligation as determined by the Secretary of Commerce to be reasonable, taking into account the prevailing rates and the risks assumed by the Department of Commerce, for provision setting a maximum of 5 per centum per annum, or 6 per centum per annum when the Secretary determined that in certain areas or under special circumstances the mortgage or lending market demanded it.

1960—Subsec. (a)(3). Pub. L. 86-518 substituted "twenty-five years" for "twenty years".

Subsec. (a)(8). Pub. L. 86-685, § 2, inserted cl. (e).

Subsec. (b)(2). Pub. L. 86-685, § 3, inserted cl. (e).

1959—Subsec. (a)(2). Pub. L. 86-123, § 2, substituted "and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction" for "which is eligible for mortgage aid" in proviso.

Subsec. (d). Pub. L. 86-127, § 1(3), inserted "excluding the average amount (except interest) on deposit in an escrow fund created under section 1279a of this Appendix" in two places.

Subsec. (e). Pub. L. 86-127, § 1(4), inserted "for services in connection with the escrow fund authorized by section 1279a of this Appendix" after "commitments".

Subsec. (f). Pub. L. 86-123, § 1(3), substituted "sections 1101 to 1110" for "sections 1101 to 1109" of Act June 29, 1936, which, for purposes of codification, has been changed to "sections 1271 to 1279 of this Appendix".

1954—Act Sept. 3, 1954, provided standards of eligibility for both mortgages and loans, set up restrictions, and provided for premium charges.

1953—Subsec. (a)(2). Act Aug. 15, 1953, § 2(1), added "or, in the case of vessels, constructed under subchapter V of this title, involved in an obligation in a principal amount which does not exceed 75 per centum of the cost of the vessel (exclusive of construction-differential subsidy and cost of national-defense features)".

Subsec. (a)(8). Act Aug. 15, 1953, § 2(2), added "construction of vessels under subchapter V of this chapter".

Subsecs. (a)(8), (c). Act Aug. 15, 1953, § 2(3), extended coverage to vessels engaged in foreign trade.

1950—Subsec. (a)(2), (7), (8). Act Sept. 28, 1950, inserted provisions concerning purchase of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946.

1939—Subsec. (a)(8). Act Aug. 4, 1939, included mortgages to secure new loans or advances made to aid financing of vessels designed for use in the fishing trade or industry.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1271, 1273, 1279a, 1279c of this Appendix.

§ 1275. Defaults

(a) Rights of obligee

In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this subchapter, the obligee or his agent shall have the right to demand (unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed the obligor's rights and duties under the obligation and agreements and shall have made any payments in default), at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) Notice of default

In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary, the Secretary may upon such terms as may be provided in the obligation or related agreement, either:

(1) assume the obligor's rights and duties under the agreement, make any payment in default, and notify the obligee or the obligee's agent of the default and the assumption by the Secretary; or

(2) notify the obligee or the obligee's agent of the default, and the obligee or the obligee's agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such notice, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or the obligee's agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) Secretary to complete, sell or operate property

In the event of any payment or assumption by the Secretary under subsection (a) or (b) of this section, the Secretary shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of the sale shall be as approved by the Secretary.

(d) Cash payments; issuance of notes or obligations

Any amount required to be paid by the Secretary pursuant to subsection (a) or (b) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1272 of this Appendix are not sufficient to pay any amount the Secretary is required to pay by subsection (a) or (b) of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under such chapter, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary from such Fund.

(e) Actions against obligor

In the event of a default under any guaranteed obligation or any related agreement, the Secretary shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event that the Secretary shall receive through the sale of property an amount of cash in excess of the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary shall pay the excess to the obligor.

(June 29, 1936, ch. 858, title XI, § 1105, as added June 23, 1938, ch. 600, § 46, 52 Stat. 971, and amended Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)-(g), 70 Stat. 1087; July 15, 1958, Pub. L. 85-520, 72 Stat. 358; Oct. 21, 1970, Pub. L. 91-469, § 33, 84 Stat. 1035; Oct. 19, 1972, Pub. L. 92-507, § 3, 86 Stat. 914; Dec. 22, 1980, Pub. L. 96-561, title II, § 220(4), 94 Stat. 3294; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1606(e), 95 Stat. 752; Oct. 30, 1984, Pub. L. 98-595, § 1(8)-(11), 98 Stat. 3131.)

CODIFICATION

In subsec. (d), "chapter 31 of title 31" and "such chapter" were substituted for "the Second Liberty Bond Act, as amended" and "such Act, as amended,", respectively, on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-595, § 1(8), added "(unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed the obligor's rights and duties under the obligation and agreements and shall have made any payments in default)".

Subsec. (b). Pub. L. 98-595, § 1(9), expanded provisions relating to the Secretary's rights in the case of default under a security agreement between the obligor and the Secretary to include the option of assuming the obligor's rights and duties under the agreement.

Subsec. (c). Pub. L. 98-595, § 1(10), added "or assumption".

Subsec. (e). Pub. L. 98-595, § 1(11), substituted "the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary" for "any payment made to an obligee under subsection (a) or (b) of this section and the expenses of collection of such amounts, he".

1981—Subsecs. (a) to (c). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (d). Pub. L. 97-35 struck out of first sentence the requirement of payment from the appropriate subfund established under section 1274(g)(2) of this Appendix.

Pub. L. 97-31 struck out "of Commerce" after "Secretary" in five places.

Subsec. (e). Pub. L. 97-31 struck out "of Commerce" after "Secretary" in four places.

1980—Subsec. (d). Pub. L. 96-561 inserted in first sentence ", and shall be paid from the appropriate subfund required to be established under section 1274(g)(2) of this Appendix" after "paid in cash".

1972—Subsec. (a). Pub. L. 92-507 substituted provisions relating to the rights of obligee to demand and receive payment from the Secretary under certain circumstances, for provisions relating to the rights of mortgagee and lender to demand and receive payment under certain circumstances and the authority of the Secretary to terminate the insurance contract by notification to the mortgagee or the lender as the case may be.

Subsec. (b). Pub. L. 92-507 added provisions relating to notification of default to the obligee, and payment of unpaid principal and interest amount, by the Secretary within certain time. Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 92-507 incorporated substantially the provisions of subsec. (d) into subsec. (c). Former subsec. (c) is now covered by subsec. (e).

Subsec. (d). Pub. L. 92-507 incorporated provisions of former subsec. (b) into subsec. (d). Former subsec. (d) is now covered by subsec. (c).

Subsec. (e). Pub. L. 92-507 incorporated provisions of former subsec. (c) relating to actions by the Secretary in the event of defaults by mortgagors and borrowers, into subsec. (e), and substituted therefor provisions relating to actions by the Secretary in the event of defaults by obligors of guaranteed obligations and related agreements. Provisions of former subsec. (e) relating to termination and cancellation of insurance contracts and the incontestability of such contracts except for fraud, duress or mutual mistake of fact are omitted.

1970—Subsec. (d). Pub. L. 91-469 substituted provision for inclusion of interest in the installments on the purchase price remaining unpaid at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding maketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum plus an administrative cost allowance, for prior rate of 3½ per centum per annum on installments of purchase price remaining unpaid.

1958—Subsec. (b). Pub. L. 85-520 authorized the Secretary of Commerce to issue notes or obligations whenever the moneys in the Federal Ship Mortgage Insurance Fund are insufficient to pay amounts required to be paid under subsec. (a) of this section.

1956—Subsec. (a)(1), (2). Act Aug. 7, 1956, § 1(e), struck out "the insured portion of" before "the unpaid principal amount", wherever appearing.

Subsec. (c)(1). Act Aug. 7, 1956, § 1(f), substituted "such excess to the borrower" for "to the mortgagee such cash amounts to the extent that the mortgagee has not been made whole through other sources for amounts advanced to the mortgagor but in no event shall such payments to the mortgagee exceed 10 per centum of the unpaid principal amount of mortgage and the interest thereon, and any excess of the amounts thus due the Government and the mortgagee shall be paid to the mortgagor".

Subsec. (c)(2). Act Aug. 7, 1956, § 1(g), substituted "such excess to the borrower" for "to the lender such cash amount to the extent that the lender has not been made whole through other sources for amounts advanced to the borrower but in no event shall such payment to the lender exceed 10 per centum of the unpaid principal amount of loan and the interest thereon, and any excess of the amounts thus due the Government and the lender shall be paid to the borrower".

1954—Act Sept. 3, 1954, gave new rights to both borrowers and lenders and set up new foreclosure procedures.

1953—Act Aug. 15, 1953, provided that in the event of a default in payment of either principal or interest, the lender may tender an assignment of the mortgage and all collateral to the Secretary who shall promptly pay the unpaid balance in cash, provided for the foreclosure and repossession of mortgaged vessels; allowed the Secretary to take any necessary steps to minimize the loss, and made all insurance commitments conclusive.

SECRETARY OF COMMERCE; FISHING VESSEL INSURANCE

Pub. L. 86-577, July 5, 1960, 74 Stat. 314, provided: "That in order to permit the efficient execution of functions relating to the issuance of Federal ship mortgage insurance on fishing vessels, pursuant to the Merchant Marine Act of June 29, 1936, as amended [this chapter] (49 Stat. 1985; 46 U.S.C., 1952 edition, sec. 1271 and the following), which functions relating to fishing vessels have been transferred to the Secretary of the Interior pursuant to the Fish and Wildlife Act of 1956 [section 742a et seq. of Title 16, Conservation], the Secretary of the Interior hereafter may exercise authority comparable to the authority of the Secretary of Commerce under the said Merchant Marine Act of 1936 [this chapter], including, but not limited to the authority contained in the amendment to such Act of July 15, 1958 (72 Stat. 358) [amending this section]."

Functions relating to the issuance of Federal ship mortgage insurance on fishing vessels, which functions were transferred to the Secretary of the Interior, were retransferred to the Secretary of Commerce by Reorg. Plan No. 4 of 1970, § 1, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1271, 1273, 1274, 1279c, 1280 of this Appendix; title 16 section 742c-1.

§ 1276. Offenses and penalties

Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary under this subchapter, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 1228 of this Appendix.

(June 29, 1936, ch. 858, title XI, § 1106, as added June 23, 1938, ch. 600, § 46, 52 Stat. 972, and amended Sept. 3, 1954, ch. 1265, § 6, 68 Stat. 1275; July 31, 1959, Pub. L. 86-123, § 1(4), 73 Stat. 269; June 12, 1960, Pub. L. 86-518, § 6, 74 Stat. 216; Oct. 19, 1972, Pub. L. 92-507, § 3, 86 Stat. 915; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166.)

AMENDMENTS

1981—Pub. L. 97-31 struck out "of Commerce" after "Secretary" in three places.

1972—Pub. L. 92-507 substituted provisions relating to offenses and penalties, for provisions relating to insurance of mortgages securing existing loans and refinancing of existing mortgages.

1960—Pub. L. 86-518 substituted "twenty-five years from the date of the original mortgage" for "the maturity date of the original mortgage" in cls. (1), (2), and (3).

1959—Pub. L. 86-123 inserted "as provided in section 1107 [former 46 U.S.C. 1276a] or" after "except" in opening provisions.

1954—Act Sept. 3, 1954, limited a new mortgage for refinancing to the same maturity date as the old mortgage and added par. (4).

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of this chapter existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of this chapter relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1274, 1279c of this Appendix.

§ 1279. Authorization of appropriations

There is authorized to be appropriated the sum of $1,000,000 and such further sums as may be necessary to carry out the provisions of this subchapter.

(June 29, 1936, ch. 858, title XI, § 1107, formerly § 1109, as added June 23, 1938, ch. 600, § 46, 52 Stat. 973, amended Sept. 3, 1954, ch. 1265, § 9, 68 Stat. 1276; renumbered § 1110, July 31, 1959, Pub. L. 86-123, § 1(1), 73 Stat. 269, and renumbered § 1107, Oct. 19, 1972, Pub. L. 92-507, § 4, 86 Stat. 916.)

Amendments

1954—Act Sept. 3, 1954, reenacted section without change.

Section Referred to in Other Sections

This section is referred to in sections 1272, 1274, 1279c of this Appendix.

§ 1279a. Escrow fund

(a) Creation

If the proceeds of an obligation guaranteed under this subchapter are to be used to finance the construction, reconstruction, or reconditioning of a vessel or vessels which will serve as security for the guarantee of the Secretary, the Secretary is authorized to accept and hold, in escrow under an escrow agreement with the obligor, a portion of the proceeds of all obligations guaranteed under this subchapter whose proceeds are to be so used which is equal to: (i) the excess of the principal amount of all obligations whose proceeds are to be so used over 75 per centum, or 87½ per centum, whichever is applicable under section 1274 of this Appendix, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of the vessel or vessels; (ii) with such interest thereon, if any, as the Secretary may require: *Provided*, That in the event the security for the guarantee of an obligation by the Secretary relates both to a vessel or vessels to be constructed, reconstructed or reconditioned and to a delivered vessel or vessels, the principal amount of such obligation shall be prorated for purposes of this subsection (a) under regulations prescribed by the Secretary.

(b) Disbursement prior to termination of escrow agreement

The Secretary shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligations or for the construction, reconstruction, or reconditioning of the vessel or vessels used as security for the guarantee of the Secretary under this subchapter, to redeem such obligations in connection with a refinancing under paragraph (4) of section 1274(a) of this Appendix or to pay to the obligor at such times as may be provided for in the escrow agreement any excess interest deposits, except that if payments become due under the guarantee prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such payments become due (including realized income which has not yet been paid to the obligor) shall be paid into the Fund and (i), be credited against any amounts due or to become due to the Secretary from the obligor with respect to the guaranteed obligations and (ii) to the extent not so required, be paid to the obligor.

(c) Disbursement upon termination of escrow agreement

If payments under the guarantee have not become due prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations whose proceeds are to be used to finance the construction, reconstruction, or reconditioning of the vessel or vessels which serve or will serve as security for such guarantee over 75 per centum or 87½ per centum, whichever is applicable under section 1274 of this Appendix, of the actual cost of such vessel or vessels to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

(d) Investment of fund

The Secretary may invest and reinvest all or any part of the escrow fund in obligations of the United States with such maturities that the escrow fund will be available as required for purposes of the escrow agreement.

(e) Payment of income

Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

(f) Terms of escrow agreement

The escrow agreement shall contain such other terms as the Secretary may consider necessary to protect fully the interests of the United States.

(June 29, 1936, ch. 858, title XI, § 1108, formerly § 1111, as added July 31, 1959, Pub. L. 86-127, § 1(2), 73 Stat. 272, and renumbered and amended Oct. 19, 1972, Pub. L. 92-507, § 5, 86 Stat. 916; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166.)

References in Text

Paragraph (4) of section 1274(a) of this Appendix, referred to in subsec. (b), was redesignated paragraph (5) of section 1274(a) of this Appendix by Pub. L. 96-561, title II, § 220(3)(A)(iii), Dec. 22, 1980, 94 Stat. 3292.

Amendments

1981—Subsecs. (a), (b), (d), (f). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

1972—Subsec. (a). Pub. L. 92-507 substantially reenacted subsec. (a) and substituted requirement that an escrow fund be created out of proceeds of obligations, for requirement that such fund be created out of sale of bonds.

Subsec. (b). Pub. L. 92-507 substituted provisions for the disbursement of escrow fund to pay certain payments the obligor is obligated to pay, for provisions for the disbursement of such fund to pay certain payments the mortgagor or borrower is obligated to pay.

Subsec. (c). Pub. L. 92-507 substituted provisions for the disbursement of the remainder of funds in the escrow fund to the obligor on the termination of the escrow agreement, for provisions for the disbursement of such funds to the mortgagor or borrower as the case may be.

Subsec. (d). Pub. L. 92-507 substituted "the escrow fund" for "such fund".

Subsec. (e). Pub. L. 92-507 substituted provisions for payment of income to obligor, for provisions for payment of such income to mortgagor or borrower.

Subsec. (f). Pub. L. 92-507 substituted "to protect fully" for "to fully protect".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1271, 1273, 1274 of this Appendix.

§ 1279b. Rules and regulations

The Secretary is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this subchapter.

(June 29, 1936, ch. 858, title XI, § 1109, formerly § 1112, as added Dec. 14, 1967, Pub. L. 90-194, 81 Stat. 580, and renumbered and amended Oct. 19, 1972, Pub. L. 92-507, § 5, 86 Stat. 916, 917; Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166.)

AMENDMENTS

1981—Pub. L. 97-31 struck out "of Commerce" after "Secretary".

1972—Pub. L. 92-507 substituted authority of the Secretary to make rules and regulations, for provisions relating to insurance of mortgage securing loan for restoration and return of merchant vessel, Kaiulani.

§ 1279c. Ocean thermal energy conversion demonstration facilities and plantships

(a) Financing of construction, reconstruction, or reconditioning

Pursuant to the authority granted under section 1273(a) of this Appendix, the Secretary, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a commercial demonstration ocean thermal energy conversion facility or plantship owned by citizens of the United States. Guarantees or commitments to guarantee under this subsection shall be subject to all the provisos, requirements, regulations, and procedures which apply to guarantees or commitments to guarantee made pursuant to section 1274(a)(1) of this Appendix, except that—

(1) no guarantees or commitments to guarantee may be made by the Secretary under this subsection before October 1, 1981;

(2) the provisions of subsection (d) of section 1274 of this Appendix shall apply to guarantees or commitments to guarantee for that portion of a commercial demonstration ocean thermal energy conversion facility or plantship not to be supported with appropriated Federal funds;

(3) guarantees or commitments to guarantee made pursuant to this section may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the commercial demonstration ocean thermal energy conversion facility or plantship: *Provided*, That, if the commercial demonstration ocean thermal energy conversion facility or plantship is supported with appropriated Federal funds, such guarantees or commitments to guarantee may not exceed 87½ percent of the aggregate principal amount of that portion of the actual cost or depreciated actual cost for which the obligor has an obligation to secure financing in accordance with the terms of the agreement between the obligor and the Department of Energy or other Federal agency; and

(4) the provisions of this section may be used to guarantee obligations for a total of not more than 5 separate commercial demonstration ocean thermal energy conversion facilities and plantships or a demonstrated 400 megawatt capacity, whichever comes first.

(b) Certification of reasonableness of risk

A guarantee or commitment to guarantee shall not be made under this section unless the Secretary of Energy, in consultation with the Secretary, certifies to the Secretary that, for the ocean thermal energy conversion facility or plantship for which the guarantee or commitment to guarantee is sought, there is sufficient guarantee of performance and payment to lower the risk to the Federal Government to a level which is reasonable. The Secretary of Energy must base his considerations on the following: (1) the successful demonstration of the technology to be used in such facility at a scale sufficient to establish the likelihood of technical and economic viability in the proposed market; and (2) the need of the United States to develop new and renewable sources of energy and the benefits to be realized from the construction and successful operation of such facility or plantship.

(c) OTEC Demonstration Fund

A special subaccount in the Federal Ship Financing Fund, to be known as the OTEC Demonstration Fund, shall be established on October 1, 1981. The OTEC Demonstration Fund shall be used for obligation guarantees authorized under this section which do not qualify under other sections of this subchapter. Except as specified otherwise in this section, the operation of the OTEC Demonstration Fund shall be identical with that of the parent Federal Ship Financing Fund: except that, notwithstanding the provisions of section 1274(g) of this Appendix, (1) all moneys received by the Secretary pursuant to sections 1271 through 1276 and 1279 of this Appendix with respect to guarantees or commitments to guarantee made pursuant to this section shall be deposited only in the OTEC Demonstration Fund, and (2) whenever there shall be outstanding any notes or other obligations issued by the Secretary pursuant to section 1275(d) of this Appendix with respect to the OTEC Demonstration Fund, all moneys received by the Secretary pursuant to sections 1271 through 1276 and 1279 of this Appendix with respect to ocean thermal energy conversional facilities or plantships shall be deposited in the OTEC Demonstration Fund. Assets in the OTEC Demonstration Fund may at any time be transferred to the parent fund whenever and to the extent that the balance thereof exceeds the total guarantees or commitments to guarantee made pursuant to this section then outstanding, plus any notes or other obligations issued by the Secretary pursuant to section 1275(d) of this Appendix with respect to the OTEC Demonstration Fund. The Federal Ship Financing Fund shall not be liable for any guarantees or commitments to guarantee issued pursuant to this section. The aggregate unpaid principal amount of the obligations guaranteed with the backing of the OTEC Demonstration Fund and outstanding at any one time shall not exceed $1,650,000,000.

(d) Notes and obligations

The provisions of section 1275(d) of this Appendix shall apply specifically to the OTEC Demonstration Fund as well as to the Fund: *Provided, however,* That any notes or obligations issued by the Secretary pursuant to section 1275(d) of this Appendix with respect to the OTEC Demonstration Fund shall be payable solely from proceeds realized by the OTEC Demonstration Fund.

(e) Taxability of interest

The interest on any obligation guaranteed under this section shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 [26 U.S.C. 1].

(June 29, 1936, ch. 858, § 1110, as added Aug. 3, 1980, Pub. L. 96-320, title II, § 203(a), 94 Stat. 992, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(136), 95 Stat. 166; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1606(f), 95 Stat. 752.)

AMENDMENTS

1981—Subsecs. (a), (b). Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (c). Pub. L. 97-35 substituted "$1,650,000,000" for "$2,000,000,000".

Pub. L. 97-31 struck out "of Commerce" after "Secretary" wherever appearing.

Subsec. (d). Pub. L. 97-31 struck out "of Commerce" after "Secretary".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1273 of this Appendix.

§ 1280. Advances to fund

The Secretary is authorized to advance to the Federal Ship Financing Fund from the "Vessel operations revolving fund" (46 U.S.C. 1241a),[2] such amounts as may be required for the payment, pursuant to section 1275 of this Appendix, of unpaid principal amounts of defaulted mortgages and loans and of unpaid interest thereon: *Provided,* That such advances shall be repaid to the "Vessel operations revolving fund" as soon as practicable consistent with the status of the Federal Ship Financing Fund: *Provided further,* That the total advances outstanding at any one time shall not exceed $10,000,000.

(Pub. L. 85-469, title I, § 101, June 25, 1958, 72 Stat. 231; Pub. L. 92-507, § 2, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97-31, § 12(137), Aug. 6, 1981, 95 Stat. 166.)

CODIFICATION

"Federal Ship Financing Fund" was substituted for "Federal Ship Mortgage Insurance Fund" to conform to change of name in the amendment of section 1272 of this Appendix by Pub. L. 92-507, § 2, Oct. 19, 1972, 86 Stat. 910.

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 struck out "of Commerce" after "Secretary".

SUBCHAPTER XII—WAR RISK INSURANCE

§ 1281. Definitions

As used in this subchapter—

(a) The term "American vessels" includes any vessel registered, enrolled, or licensed under the laws of the United States and any undocumented vessel owned or chartered by or made available to the United States or any department or agency thereof and any tug or barge or other watercraft (documented or undocumented) owned by a citizen of the United States used in essential water transportation or in the fishing trade or industry, except watercraft used exclusively in or for sport fishing.

(b) The term "transportation in the waterborne commerce of the United States" includes the operation of vessels in the fishing trade or industry, except watercraft used exclusively in or for sport fishing.

(c) The term "war risks" includes to such extent as the Secretary may determine all or any part of those losses which are excluded from marine insurance coverage under a "free of capture and seizure" clause, or analogous clauses.

(d) The term "citizen of the United States" includes corporations, partnerships, and associations existing, authorized, or organized under the laws of the United States or any State, district, Territory, or possession thereof.

(e) The term "Secretary" shall mean the Secretary of Transportation.

(June 29, 1936, ch. 858, title XII, § 1201, as added Sept. 7, 1950, ch. 906, 64 Stat. 773; Aug. 6, 1981, Pub. L. 97-31, § 12(138), 95 Stat. 166.)

AMENDMENTS

1981—Subsec. (e). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

§ 1282. Authority to provide insurance; consideration of risk

(a) The Secretary, with the approval of the President, and after such consultation with interested agencies of the Government as the President may require, may provide insurance and reinsurance against loss or damage by war risks in the manner and to the extent provided in this subchapter, whenever it appears to the Secretary that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

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[2] Now 46 App. U.S.C. 1241a.

(b) Any insurance or reinsurance issued under any of the provisions of this subchapter shall be based, insofar as practicable, upon consideration of the risk involved.

(June 29, 1936, ch. 858, title XII, § 1202, as added Sept. 7, 1950, ch. 906, 64 Stat. 773.)

Cross References

Expiration of authority to provide insurance, see section 1294 of this Appendix.

Insurance of interests of United States, see sections 869 and 1202 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1283 of this Appendix.

§ 1283. Persons, property, and interests insurable

The Secretary may provide the insurance and reinsurance authorized by section 1282 of this Appendix with respect to the following persons, property, or interest:

(a) American vessels, including vessels under construction, foreign-flag vessels owned by citizens of the United States or engaged in transportation in the water-borne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Secretary to be in the interest of the national defense or the national economy of the United States, when so engaged. In determining whether to grant such insurance or reinsurance to foreign-flag vessels, the Secretary shall further consider the characteristics, the employment, and the general management of the vessel by the owner or charterer. American- and foreign-flag vessels so insured or reinsured shall be subject to such vessel location reporting requirements as the Secretary may establish by regulation.

(b) Cargoes shipped or to be shipped on any such vessels, including shipments by express or registered mail; cargoes owned by citizens or residents of the United States, its Territories or possessions; cargoes imported to, or exported from, the United States, its Territories or possessions, and cargoes sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions; cargoes shipped between ports in the United States, or between ports in the United States and its Territories and possessions, or between ports in such Territories or possessions. For the purposes of this subchapter, the term "cargo" shall include loaded or empty containers located aboard such vessels.

(c) The disbursements, including advances to masters and general average disbursements, and freight and passage moneys of such vessels.

(d) The personal effects of the masters, officers, and crews of such vessels, and of other persons transported on such vessels.

(e) Masters, officers, members of the crews of such vessels and other persons employed or transported thereon against loss of life, injury, detention by an enemy of the United States following capture.

(f) Statutory or contractual obligations or other liabilities of such vessels or of the owner or charterer of such vessels of the nature customarily covered by insurance.

(June 29, 1936, ch. 858, title XII, § 1203, as added Sept. 7, 1950, ch. 906, 64 Stat. 773, and amended Oct. 17, 1976, Pub. L. 94-523, §§ 1-3, 90 Stat. 2474.)

Amendments

1976—Subsec. (a). Pub. L. 94-523, § 1, prescribed criteria to be considered in granting insurance or reinsurance to foreign-flag vessels and made insured or reinsured vessels subject to vessel location reporting requirements established by regulation.

Subsec. (b). Pub. L. 94-523, § 2, defined term "cargo" to include loaded or empty containers located aboard the vessels.

Subsec. (f). Pub. L. 94-523, § 3, substituted "Statutory or" for "Statutory on".

Section Referred to in Other Sections

This section is referred to in section 1284 of this Appendix.

§ 1284. Risks other than war risks

Whenever the Secretary shall insure any risk included under subsections (d), (e), or (f) of section 1283 of this Appendix, insofar as it concerns liabilities relating to the masters, officers, and crews of such vessels or to other persons transported thereon, the insurance on such risks may include risks other than war risks to the extent that the Secretary determines to be necessary or advisable.

(June 29, 1936, ch. 858, title XII, § 1204, as added Sept. 7, 1950, ch. 906, 64 Stat. 774.)

§ 1285. Insurance of property of Government departments and agencies

(a) Any department or agency of the United States may, with the approval of the President, procure from the Secretary any of the insurance as provided for in this subchapter, except as provided in sections 721 and 722 of title 40.

(b) The Secretary is authorized with such approval to provide such insurance at the request of the Secretary of Defense, and such other agencies as the President may prescribe, without premium in consideration of the agreement of the Secretary of Defense or such agency to indemnify the Secretary against all losses covered by such insurance, and the Secretary of Defense and such other agencies are authorized to execute such indemnity agreement with the Secretary.

(June 29, 1936, ch. 858, title XII, § 1205, as added Sept. 7, 1950, ch. 906, 64 Stat. 774.)

§ 1286. Liability insurance for persons performing services or providing facilities for vessels

The Secretary is authorized to provide insurance for any person who performs services or provides facilities for or with respect to any American- or foreign-flag vessel, public or private, against legal liabilities that may be incurred by such person in connection with the performance of such services or the providing of such facilities. Such insurance shall not be issued against liability to employees in respect of employers' liability or workmen's compensation. No such insurance shall be provided unless, in the opinion of the Secretary, such insurance is required in the prosecution of the war effort or in connection with national defense and cannot be obtained at reasonable rates or upon reasonable conditions from approved companies authorized to do insurance business in any State of the United States.

(June 29, 1936, ch. 858, title XII, § 1206, as added Sept. 7, 1950, ch. 906, 64 Stat. 774, and amended Aug. 3, 1956, ch. 929, § 5, 70 Stat. 986.)

AMENDMENTS

1956—Act Aug. 3, 1956, struck out "during any time the United States is at war or during any period of emergency declared to exist by the President of the United States" after "authorized" in first sentence.

§ 1287. Reinsurance; rates; allowances to insurance carriers

(a) To the extent that he is authorized by this subchapter to provide marine, war risk, and liability insurance, the Secretary may reinsure, in whole or in part, any company authorized to do an insurance business in any State of the United States. The Secretary may reinsure with, or cede or retrocede to, any such company any insurance or reinsurance provided by the Secretary in accordance with the provisions of this subchapter.

(b) Reinsurance shall not be provided by the Secretary at rates less than nor obtained by the Secretary at rates more than the rates established by the Secretary on the same or similar risks or the rates charged by the insurance carrier for the insurance so reinsured whichever is most advantageous to the Secretary, except that the Secretary may make to the insurance carrier such allowances for expenses on account of the cost of services rendered or facilities furnished as he deems reasonably to accord with good business practice, but such allowance to the carrier shall not provide for any payment by the carrier on account of solicitation for or stimulation of insurance business.

(June 29, 1936, ch. 858, title XII, § 1207, as added Sept. 7, 1950, ch. 906, 64 Stat. 775.)

§ 1288. Insurance fund; investments; appropriations

(a) The Secretary shall create an insurance fund in the Treasury to enable him to carry out the provisions of this subchapter. Moneys appropriated by Congress to carry out the provisions of this subchapter and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this subchapter shall be deposited in the Treasury to the credit of such fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this subchapter shall be made from such fund through the Fiscal Service, Treasury Department. Upon the request of the Secretary of Transportation, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund.

(b) Such sums as shall be necessary to carry out the provisions of this subchapter are authorized to be appropriated to such fund.

(June 29, 1936, ch. 858, title XII, § 1208, as added Sept. 7, 1950, ch. 906, 64 Stat. 775, and amended Oct. 3, 1962, Pub. L. 87-743, 76 Stat. 740; Aug. 6, 1981, Pub. L. 97-31, § 12(139), 95 Stat. 166.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

1962—Subsec. (a). Pub. L. 87-743 authorized the investment or reinvestment of all or part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States, and required the interest and benefits accruing from such securities to be deposited to the credit of the fund.

TRANSFER OF FUNCTIONS

"Fiscal Service" was substituted for "Division of Disbursement" in subsec. (a) on authority of section 1(a)(1) of 1940 Reorg. Plan No. III, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees, which consolidated such division into the Fiscal Service of the Treasury Department. See section 306 of Title 31, Money and Finance.

§ 1288a. Transfer of funds from Vessel Operations Revolving Fund

For the war-risk insurance revolving fund, authorized by this subchapter, the Secretary of Transportation is authorized to transfer to said fund, at such times as it may become necessary in order to place into effect the insurance coverage authorized by this subchapter, and in such amounts as he may determine, not to exceed a total of $10,000,000 from the "Vessel Operations Revolving Fund".

(Nov. 1, 1951, ch. 664, ch. VI, § 601, 65 Stat. 746; Aug. 6, 1981, Pub. L. 97-31, § 12(140), 95 Stat. 166.)

CODIFICATION

Section was not enacted as part of the Merchant Marine Act, 1936, which comprises this chapter.

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

§ 1289. Administrative provisions

(a) Issuance of policies, rules, and regulations; settlement of claims; valuation; rejection and review of valuation

(1) The Secretary, in the administration of this subchapter, may issue such policies, rules, and regulations as he deems proper and may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement agreed upon, in respect of any claim under insurance authorized by this subchapter.

(2) In respect of hull insurance, the valuation in the policy for actual or constructive total

loss of the vessel insured shall be a stated valuation (exclusive of National Defense features paid for by the Government) determined by the Secretary which shall not exceed the amount that would be payable if the vessel had been requisitioned for title under section 1242(a) of this Appendix at the time of the attachment of the insurance under said policy: *Provided*, That the insured shall have the right within sixty days after the attachment of the insurance under said policy, or within sixty days after determination of such valuation by the Secretary, whichever is later, to reject such valuation, and shall pay, at the rate provided for in said policy, premiums upon such asserted valuation as the insured shall specify at the time of rejection, but such asserted valuation shall not operate to the prejudice of the Government in any subsequent action on the policy. In the event of the actual or constructive total loss of the vessel, if the insured has not rejected such valuation the amount of any claim therefor which is adjusted, compromised, settled, adjudged, or paid shall not exceed such stated amount, but if the insured has so rejected such valuation, the insured shall be paid as a tentative advance only, 75 per centum of such valuation so determined by the Secretary and shall be entitled to sue the United States in a court having jurisdiction of such claims to recover such valuation as would be equal to the just compensation which such court determines would have been payable if the vessel had been requisitioned for title under section 1242(a) of this Appendix at the time of the attachment of the insurance under said policy: *Provided*, That in the event of an election by the insured to reject the stated valuation fixed by the Secretary and to sue in the courts, the amount of the judgment will be payable without regard to the limitations contained in section 1242-1 of this Appendix, although the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded. In the event of such court determination, premiums under the policy shall be adjusted on the basis of the valuation as finally determined and of the rate provided for in said policy.

(b) Forms and policies; rates; fees

The Secretary may prescribe and change forms and policies, and fix, adjust, and change the amounts insured and rates of premium provided for in this subchapter. The Secretary may charge and collect an annual fee in an amount calculated to cover the expenses of processing applications for insurance, the employment of underwriting agents, and the appointment of experts.

(c) Commercial practice controlling; limitation on fees

The Secretary, in administering this subchapter, may exercise his powers, perform his duties and functions, and make his expenditures, in accordance with commercial practice in the marine insurance business. Except as authorized in subsection (d) of this section, no insurance broker or other person acting in a similar intermediary capacity shall be paid any fee or other consideration by the Secretary by virtue of his participation in arranging any insurance wherein the Secretary directly insures any of the risk thereof.

(d) Underwriting agents

The Secretary may, and whenever he finds it practical to do so shall, employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States, to act as his underwriting agent. The Secretary may allow such companies or groups of companies fair and reasonable compensation for servicing insurance written by such companies or groups of companies as underwriting agent for the Secretary. The services of such underwriting agents may be utilized in the adjustment of claims under insurance provided by this subchapter, but no claim shall be paid unless and until it has been approved by the Secretary. Such compensation may include an allowance for expenses reasonably incurred by such agent, but such allowance shall not include any payment by such agent on account of solicitation for or stimulation of insurance business.

(e) Employment of marine insurance experts

The Secretary without regard to the laws, rules, or regulations relating to the employment of employees of the United States may appoint and prescribe the duties of such number of experts in marine insurance as he deems necessary under this subchapter.

(f) Utilization of services of other Government agencies

The Secretary with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail himself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this subchapter.

(June 29, 1936, ch. 858, title XII, § 1209, as added Sept. 7, 1950, ch. 906, 64 Stat. 775, and amended Aug. 3, 1956, ch. 929, § 1, 70 Stat. 984; Aug. 22, 1964, Pub. L. 88-478, § 1, 78 Stat. 587; Oct. 17, 1976, Pub. L. 94-523, § 4, 90 Stat. 2474.)

REFERENCES IN TEXT

Section 1242-1 of this Appendix, referred to in subsec. (a)(2), was omitted from the Code.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-523 authorized imposition and collection of an annual fee to cover expenses of processing applications for insurance, employment of underwriting agents, and appointment of experts.

1964—Subsec. (a)(2). Pub. L. 88-478 struck out provisions which required for purposes of hull insurance, in the case of a construction-subsidized vessel, that the valuation determined for actual or constructive loss for the period of insurance prior to requisition for title or use, be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use limited the valuation to the amount which would be payable under section 1212 of this Appendix.

1956—Subsec. (a). Act Aug. 3, 1956, struck out provisions limiting settlement of claims of vessels insured under this subchapter to vessel's fair and reasonable value, designating the remaining provisions, as so amended, as par. (1), and added par. (2).

EFFECTIVE DATE OF 1964 AMENDMENT

Section 2 of Pub. L. 88-478 provided that: "The amendments made by this Act [amending subsec. (a)(2) of this section] shall be applicable to war risk insurance coverage attaching after the date of enactment [Aug. 22, 1964]."

AMENDMENT OF INSURANCE IN FORCE ON AUGUST 3, 1956

Section 4 of act Aug. 3, 1956, provided that: "All war-risk insurance issued under title XII of the Merchant Marine Act, 1936 [this subchapter], which is in force on the date of the enactment of this Act [Aug. 3, 1956] shall, as of the beginning of such date, be deemed to have been amended to conform to the requirements of section 1209 of the Merchant Marine Act, 1936 [this section], as amended by this Act unless the insured, within ten days after such date, objects to such amendment."

§ 1290. Seamen's rights unaffected

This subchapter shall not affect rights of seamen under existing law.

(June 29, 1936, ch. 858, title XII, § 1210, as added Sept. 7, 1950, ch. 906, 64 Stat. 776.)

§ 1291. Reports to Congress

The Secretary shall include in his annual report to Congress a detailed statement of all activities and of all expenditures and receipts under this subchapter for the period covered by such report.

(June 29, 1936, ch. 858, title XII, § 1211, as added Sept. 7, 1950, ch. 906, 64 Stat. 776, and amended Nov. 8, 1965, Pub. L. 89-348, § 1(7), 79 Stat. 1310.)

AMENDMENTS

1965—Pub. L. 89-348 repealed provisions of this section which required quarterly reports of contracts entered into, proposed contracts, and general progress with respect to war risk insurance activities under this chapter.

§ 1292. Actions on claims for losses; jurisdiction of courts; limitation of actions

Upon disagreement as to a loss insured under this subchapter, suit may be maintained against the United States in admiralty in the district in which the claimant or his agent resides, and this remedy shall be exclusive of any other action by reason of the same subject matter against any agent or employee of the United States employed or retained under this subchapter. If the claimant has no residence in the United States, suit may be brought in the district court of the District of Columbia or in such other district court in which the Attorney General of the United States agrees to accept service. Such suits shall be heard and determined under the provisions of the Act of March 9, 1920, as amended (known as the Suits in Admiralty Act) [46 App. U.S.C. 741 et seq.]. All persons having or claiming or who might have an interest in such insurance, may be made parties either initially or upon the motion of either party. In any case where the Secretary acknowledges the indebtedness of the United States on account of such insurance, and there is a dispute as to the persons entitled to receive payment, the United States may bring an action in the nature of a bill of interpleader against such parties, in the District Court for the District of Columbia, or in the district court of the district in which any such person resides. In such actions any party, if not a resident of or found within the district, may be brought in by order of court served in such reasonable manner as the court directs. If the court is satisfied that persons unknown might assert a claim on account of such insurance, it may direct service upon such persons unknown by publication in the Federal Register. Judgment in any such suit shall discharge the United States from further liability to any parties to such action, and to all persons when service by publication upon persons unknown is directed by the court. The period within which suits may be commenced contained in said Suits in Admiralty Act shall, if claim be filed therefor within such period, be suspended from such time of filing until the claim shall have been administratively denied by the Secretary and for sixty days thereafter: *Provided, however,* That such claim shall be deemed to have been administratively denied if not acted upon within six months after the time of filing, unless the Secretary for good cause shown shall have otherwise agreed with the claimant.

(June 29, 1936, ch. 858, title XII, § 1212, as added Sept. 7, 1950, ch. 906, 64 Stat. 776.)

REFERENCES IN TEXT

The Suits in Admiralty Act, referred to in text, is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§ 741 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 741 of this Appendix and Tables.

§ 1293. Additional insurance with other underwriters

A person having an insurable interest in a vessel may, with the approval of the Secretary, insure with other underwriters in an amount in excess of the amount insured with the Secretary of Transportation, and in that event the Secretary of Transportation shall not be entitled to the benefit of such insurance.

(June 29, 1936, ch. 858, title XII, § 1213, as added Sept. 7, 1950, ch. 906, 64 Stat. 777, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(141), 95 Stat. 166.)

AMENDMENTS

1981—Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce" in two places.

§ 1294. Expiration of authority to provide insurance

The authority of the Secretary to provide insurance and reinsurance under this subchapter shall expire June 30, 1990.

(June 29, 1936, ch. 858, title XII, § 1214, as added Sept. 7, 1950, ch. 906, 64 Stat. 777, and amended Aug. 3, 1955, ch. 492, 69 Stat. 440; July 31, 1959, Pub. L. 86-120, 73 Stat. 266; July 27, 1965, Pub. L. 89-89, 79 Stat. 264; Oct. 21, 1970, Pub. L. 91-469, § 34, 84 Stat. 1035; Oct. 17, 1976, Pub. L. 94-523, § 5, 90 Stat. 2474; Feb. 25, 1980, Pub. L. 96-195, 94 Stat. 63; July 3, 1985, Pub. L. 99-59, 99 Stat. 110.)

AMENDMENTS

1985—Pub. L. 99-59 substituted "June 30, 1990" for "September 30, 1984".

1980—Pub. L. 96-195 substituted "September 30, 1984" for "September 30, 1979".

1976—Pub. L. 94-523 substituted "September 30, 1979" for "September 7, 1975".

1970—Pub. L. 91-469 substituted "September 7, 1975" for "twenty years from September 7, 1950".

1965—Pub. L. 89-89 extended the authority of the Secretary to provide insurance and reinsurance for an additional five years.

1959—Pub. L. 86-120 extended the authority of the Secretary to provide insurance and reinsurance for an additional five years.

1955—Act Aug. 3, 1955, extended the authority of the Secretary to provide insurance and reinsurance for an additional five years.

SUBCHAPTER XIII—MARITIME EDUCATION AND TRAINING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1119 of this Appendix.

§ 1295. Congressional declaration of policy

It is the policy of the United States that merchant marine vessels of the United States should be operated by highly trained and efficient citizens of the United States and that the United States Navy and the merchant marine of the United States should work closely together to promote the maximum integration of the total seapower forces of the United States. In furtherance of this policy—

(1) the Secretary of Transportation is authorized to take the steps necessary to provide for the education and training of citizens of the United States who are capable of providing for the safe and efficient operation of the merchant marine of the United States at all times and as a naval and military auxiliary in time of war or national emergency; and

(2) the Secretary of Navy, in cooperation with the Maritime Administrator and the head of each State maritime academy, shall assure that the training of future merchant marine officers at the United States Merchant Marine Academy and at the State maritime academies includes programs for naval science training in the operation of merchant marine vessels as a naval and military auxiliary and that naval officer training programs for the training of future officers, insofar as possible, be maintained at designated maritime academies consistent with United States Navy standards and needs.

(June 29, 1936, ch. 858, § 1301, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 1997, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(142), 95 Stat. 166.)

AMENDMENTS

1981—Par. (1). Pub. L. 97-31, § 12(142)(A), substituted "Secretary of Transportation" for "Secretary of Commerce".

Par. (2). Pub. L. 97-31, § 12(142)(B), substituted "Maritime Administrator" for "Assistant Secretary of Commerce for Maritime Affairs".

EFFECTIVE DATE

Section 4 of Pub. L. 96-453 provided that: "This Act [enacting this subchapter, amending sections 1119 and 1244 of this Appendix, and repealing sections 1126, 1126a-1 to 1126d, 1331 to 1334, and 1381 to 1388 of former Title 46, Shipping] shall take effect on October 1, 1981."

SHORT TITLE

Section 1 of Pub. L. 96-453 provided that: "This Act [enacting this subchapter, amending sections 1119 and 1244 of this Appendix, and repealing sections 1126, 1126a-1 to 1126d, 1331 to 1334, and 1381 to 1388 of former Title 46, Shipping] may be cited as the 'Maritime Education and Training Act of 1980'."

§ 1295a. Definitions

For purposes of this subchapter—

(1) the term "Secretary" means the Secretary of Transportation;

(2) the term "Academy" means the United States Merchant Marine Academy located at Kings Point, New York which is maintained under section 1295b of this Appendix;

(3) the term "State maritime academy" means any maritime academy or college which is assisted under section 1295c of this Appendix and which is sponsored by any State or territory of the United States or, in the case of a regional maritime academy or college, sponsored by any group of States or territories of the United States, or both; and

(4) the term "merchant marine officer" means any person who holds a license issued by the United States Coast Guard which authorizes service—

(A) as a master, mate, or pilot on board any vessel of 1,000 gross tons or more which is documented under the laws of the United States and which operates on the oceans or on the Great Lakes; or

(B) as an engineer officer on board any vessel propelled by machinery of 4,000 horsepower or more which is documented under the laws of the United States.

(June 29, 1936, ch. 858, § 1302, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 1997, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(143), 95 Stat. 166.)

AMENDMENTS

1981—Par. (1). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 3306.

§ 1295b. Maintenance of Academy

(a) Duty of Secretary

The Secretary shall maintain the Academy for providing instruction to individuals to prepare them for service in the merchant marine of the United States.

(b) Nomination and appointment of cadets; designation and licensing of individuals from the Trust Territory of the Pacific Islands, Western Hemisphere nations and nations other than the United States

(1) Each Senator and Member of the House of Representatives, the Panama Canal Commission, the Governor of the Northern Mariana Islands, and the Governor of American Samoa (until a delegate to the House of Representatives from American Samoa takes office) may nominate for appointment as a cadet at the Academy any individual who is [1]

(A) a citizen of the United States or a national of the United States; and

(B) a resident of the State represented by such Senator if the individual is nominated by a Senator, a resident of the State in which the congressional district represented by such Member of the House of Representatives is located if the individual is nominated by a Member of the House of Representatives (or a resident of Guam, the Virgin Islands, the District of Columbia, the Commonwealth of Puerto Rico, or American Samoa if the individual is nominated by a Member of the House of Representatives representing such area), a resident of the area or installation described in paragraph (3)(A)(ii), or a son or daughter of the personnel described in such paragraph, if the individual is nominated by the Panama Canal Commission, a resident of the Northern Mariana Islands if the individual is nominated by the Governor of the Northern Mariana Islands, or a resident of American Samoa if the individual is nominated by the Governor of American Samoa.

(2)(A) The Secretary shall establish minimum requirements for the individuals nominated pursuant to paragraph (1) and shall establish a system of competition for the selection of individuals qualified for appointment as cadets at the Academy.

(B) Such system of competition shall determine the relative merit of appointing each such individual to the Academy through the use of competitive examinations, an assessment of the academic background of the individual, and such other factors as are considered effective indicators of motivation and the probability of successful completion of training at the Academy.

(3)(A) Qualified individuals nominated pursuant to paragraph (1) shall be selected each year for appointment as cadets at the Academy to fill positions allocated as follows:

(i) Positions shall be allocated each year for individuals who are residents of each State and are nominated by the Members of the Congress from such State in proportion to the representation in Congress from that State.

(ii) Two positions shall be allocated each year for individuals nominated by the Panama Canal Commission who are sons or daughters of residents of any area or installation located in the Republic of Panama which is made available to the United States pursuant to the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979, and sons or daughters of personnel of the United States Government and the Panama Canal Commission residing in the Republic of Panama, nominated by the Panama Canal Commission.

(iii) One position shall be allocated each year for an individual who is a resident of Guam and is nominated by the Delegate to the House of Representatives from Guam.

(iv) One position shall be allocated each year for an individual who is a resident of the Virgin Islands and is nominated by the Delegate to the House of Representatives from the Virgin Islands.

(v) One position shall be allocated each year for an individual who is a resident of the Northern Mariana Islands and is nominated by the Governor of the Northern Mariana Islands.

(vi) One position shall be allocated each year for an individual who is a resident of American Samoa and is nominated by the Governor of American Samoa (until a delegate to the House of Representatives from American Samoa takes office).

(vii) Four positions shall be allocated each year for individuals who are residents of the District of Columbia and are nominated by the Delegate to the House of Representatives from the District of Columbia.

(viii) One position shall be allocated each year for an individual who is a resident of the Commonwealth of Puerto Rico and is nominated by the Resident Commissioner to the United States from Puerto Rico.

(B) The Secretary shall make appointments of qualified individuals to fill the positions allocated pursuant to subparagraph (A) (from among the individuals nominated pursuant to paragraph (1)) in the order of merit determined pursuant to paragraph (2)(B) among residents of each State, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, the District of Columbia, and the Commonwealth of Puerto Rico and among individuals nominated by the Panama Canal Commission.

(C) If positions are not filled after the appointments are made pursuant to subparagraph (B), the Secretary shall make appointments of qualified individuals to fill such positions from among all individuals nominated pursuant to paragraph (1) in the order of merit determined pursuant to paragraph (2)(B) among all such individuals.

(D) In addition, the Secretary may each year appoint without competition as cadets at the Academy not more than 40 qualified individuals possessing qualities deemed to be of special value to the Academy. In making such appointments the Secretary shall attempt to achieve a national demographic balance at the Academy.

(E) No preference shall be granted in selecting individuals for appointment as cadets at the

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[1] So in original. Probably should be followed by a dash.

Academy because one or more members of the immediate family of any such individual are alumni of the Academy.

(F) Any citizen of the United States selected for appointment pursuant to this paragraph must agree to apply for midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) before being appointed as a cadet at the Academy.

(G) For purposes of this paragraph, the term "State" means the several States.

(4)(A) In addition to paragraph (3), the Secretary may permit, upon designation by the Secretary of the Interior, individuals from the Trust Territory of the Pacific Islands to receive instruction at the Academy.

(B) Not more than 4 individuals may receive instruction under this paragraph at any one time.

(C) Any individual receiving instruction under the authority of this paragraph shall receive the same allowances and shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as cadets at the Academy appointed from the United States, subject to such exceptions as shall be jointly agreed upon by the Secretary and the Secretary of the Interior.

(5)(A) In addition to paragraphs (3) and (4), the President may designate individuals from nations located in the Western Hemisphere other than the United States to receive instruction at the Academy.

(B) Not more than 12 individuals may receive instruction under this paragraph at any one time, and not more than 2 individuals receiving instruction under this paragraph at any one time may be from the same nation.

(C) Any individual receiving instruction under this subparagraph is entitled to the same allowances and shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as cadets at the Academy appointed from the United States.

(6)(A) In addition to paragraphs (3), (4), and (5), the Secretary may permit, upon approval of the Secretary of State, individuals from nations other than the United States to receive instruction at the Academy.

(B) Not more than 30 individuals may receive instruction under this paragraph at any one time.

(C) The Secretary shall insure that each nation from which an individual comes to receive instruction under this paragraph shall reimburse the Secretary for the cost of such instructions (including the same allowances as received by cadets at the Academy appointed from the United States), as determined by the Secretary.

(D) Any individual receiving instruction at the Academy under this paragraph shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as cadets at the Academy appointed from the United States.

(7) Any individual appointed as a cadet to the Academy under paragraph (3), or receiving instruction at the Academy under paragraph (4), (5), or (6), is not entitled to hold any license authorizing service on any merchant marine vessel of the United States solely by reason of graduation from the Academy.

(c) Appointment of cadet as midshipman in the United States Naval Reserve

Any citizen of the United States who is appointed as a cadet at the Academy may be appointed by the Secretary of the Navy as a midshipman in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve).

(d) Uniforms, textbooks, and transportation allowances

The Secretary shall provide to any cadet at the Academy all required uniforms and textbooks and allowances for transportation (including reimbursement of traveling expenses) while traveling under orders as a cadet of the Academy.

(e) Commitment agreements

(1) Each individual appointed as a cadet at the Academy after the date occurring 6 months after October 1, 1981, who is a citizen of the United States, shall as a condition of appointment to the Academy sign an agreement committing such individual—

(A) to complete the course of instruction at the Academy, unless the individual is separated by the Academy;

(B) to fulfill the requirements for a license as an officer in the merchant marine of the United States on or before the date of graduation from the Academy of such individual;

(C) to maintain a license as an officer in the merchant marine of the United States for at least 6 years following the date of graduation from the Academy of such individual;

(D) to apply for an appointment as, to accept if tendered an appointment as, and to serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other Reserve unit of an armed force of the United States, for at least 6 years following the date of graduation from the Academy of such individual;

(E) to serve the foreign and domestic commerce and the national defense of the United States for at least 5 years following the date of graduation from the Academy—

(i) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the United States or by any State or territory of the United States;

(ii) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Secretary), if the Secretary determines that service under clause (i) is not available to such individual;

(iii) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(iv) by combining the services specified in clauses (i), (ii), and (iii); and

(F) to report to the Secretary on the compliance by the individual to this paragraph.

(2) If the Secretary determines that any individual who has attended the Academy for not less than 2 years has failed to fulfill the part of the agreement (required by paragraph (1)) described in paragraph (1)(A), such individual may be ordered by the Secretary of the Navy to active duty in the United States Navy to serve for a period of time not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this paragraph.

(3) If the Secretary determines that any individual has failed to fulfill any part of the agreement (required by paragraph (1)) described in subparagraphs (B), (C), (D), (E), or (F) of paragraph (1), such individual may be ordered to active duty to serve a period of time not less than 3 years and not more than the unexpired portion (as determined by the Secretary) of the service required by subparagraph (E) of such paragraph. The Secretary, in consultation with the Secretary of Defense, shall determine in which service the individual shall be ordered to active duty to serve such period of time. In cases of hardship as determined by the Secretary, the Secretary may waive this paragraph.

(4) The Secretary may defer the service commitment of any individual pursuant to subparagraph (E) of paragraph (1) (as specified in the agreement required by such paragraph) for a period of not more than 2 years if such individual is engaged in a graduate course of study approved by the Secretary, except that any deferment of service as a commissioned officer pursuant to paragraph (1)(E) must be approved by the Secretary of the military department (including the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service.

(f) Places of training

The Secretary may provide for the training of cadets at the Academy—

(1) on vessels owned or subsidized by the United States;

(2) on other vessels documented under the laws of the United States if the owner of any such vessel cooperates in such use; and

(3) in shipyards or plants and with any industrial or educational organizations.

(g) Bachelor of science degrees awarded

The Superintendent of the Academy may confer the degree of bachelor of science upon any individual who has met the conditions prescribed by the Secretary and who, if a citizen of the United States, has passed the examination for a merchant marine officer's license. No individual may be denied a degree under this subsection because the individual is not permitted to take such examination solely because of physical disqualification.

(h) Board of Visitors

(1) A Board of Visitors to the Academy shall be established to visit the Academy annually on a date determined by the Secretary and to make recommendations on the operation of the Academy.

(2) The Board shall be composed of—

(A) 2 Senators appointed by the chairman of the Commerce, Science, and Transportation Committee of the Senate;

(B) 3 Members of the House of Representatives appointed by the chairman of the Merchant Marine and Fisheries Committee of the House of Representatives;

(C) 1 Senator appointed by the Vice President;

(D) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(E) the chairman of the Commerce, Science, and Transportation Committee of the Senate and the chairman of the Merchant Marine and Fisheries Committee of the House of Representatives, as ex officio members.

(3) Whenever a member of the Board is unable to attend the annual meeting provided in paragraph (1), another individual may be appointed in the manner provided by paragraph (2) as a substitute for such member.

(4) The chairmen of the Commerce, Science, and Transportation Committee of the Senate and the Merchant Marine and Fisheries Committee of the House of Representatives may designate staff members of such committees to serve without reimbursement as staff for the Board.

(5) While away from their homes or regular places of business in the performance of services for the Board, members of the Board and any staff members designated under paragraph (4) shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(i) Advisory Board

(1) An Advisory Board to the Academy shall be established to visit the Academy at least once during each academic year, for the purpose of examining the course of instruction and management of the Academy and advising the Maritime Administrator and the Superintendent of the Academy.

(2) The Advisory Board shall be composed of not more than 7 persons of distinction in education and other fields relating to the Academy who shall be appointed by the Secretary for terms not to exceed 3 years and may be reappointed.

(3) The Secretary shall appoint a chairman from among the members of the Advisory Board.

(4) While away from their homes or regular places of business in the performance of service for the Advisory Board, members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(5) The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Ad-

visory Board established pursuant to this subsection.

(June 29, 1936, ch. 858, § 1303, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 1998, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(144), 95 Stat. 166; Aug. 13, 1981, Pub. L. 97-35, title XVI, § 1607, 95 Stat. 752.)

REFERENCES IN TEXT

The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.), referred to in subsec. (i)(5), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1981—Subsec. (e)(3). Pub. L. 97-31, § 12(144)(A), struck out "and the Secretary of Transportation" after "Secretary of Defense".

Subsec. (e)(4). Pub. L. 97-31, § 12(144)(B), struck out "the Secretary of the department in which the United States Coast Guard is operating with respect to the United States Coast Guard and" before "the Secretary of Commerce".

Subsec. (h)(2)(D). Pub. L. 97-35 increased the membership on the Board from 1 to 2 Members of the House of Representatives.

Subsec. (i)(1). Pub. L. 97-31, § 12(144)(C), substituted "Maritime Administrator" for "Assistant Secretary of Commerce for Maritime Affairs".

DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF MERCHANT MARINE ACADEMY

Act Aug. 10, 1956, ch. 1041, § 35, 70A Stat. 634, provided in part that, under conditions prescribed by the Secretary of Commerce, the Superintendent of the United States Merchant Marine Academy may confer the degree of bachelor of science upon living graduates of the Academy who were graduated before the date of accrediting of the Academy and who have met the requirements of the Academy for that degree.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1295a, 1295f of this Appendix.

§ 1295c. State maritime academies

(a) Cooperation and assistance

The Secretary shall cooperate with and assist any State maritime academy in providing instruction to individuals to prepare them for service in the merchant marine of the United States.

(b) Regional maritime academies

The Governors of all States or territories of the United States, or both, cooperating to sponsor a regional maritime academy shall designate in writing one State or territory of the United States, from among the sponsoring States or territories, or both, to conduct the affairs of such regional maritime academy. Any regional maritime academy shall be eligible for assistance from the Federal Government on the same basis as any State maritime academy sponsored by a single State or territory of the United States.

(c) Training vessels

(1)(A) The Secretary may furnish for training purposes any suitable vessel under the control of the Secretary or provided under subparagraph (B), or construct and furnish a suitable vessel if such a vessel is not available, to any State maritime academy meeting the requirements of subsection (f)(1) of this section. Any such vessel—

(i) shall be repaired, reconditioned, and equipped (including supplying all apparel, charts, books, and instruments of navigation) as necessary for use as a training ship;

(ii) shall be furnished to such State maritime academy only after application for such vessel is made in writing by the Governor of the State or territory sponsoring such State maritime academy or, with respect to a regional maritime academy the Governor of the State or territory designated pursuant to subsection (b) of this section;

(iii) shall be furnished to such State maritime academy only if a suitable port for the safe mooring of such vessel is available while it is being used by such academy;

(iv) shall be maintained in good repair by the Secretary; and

(v) shall remain the property of the United States.

(B) Any department or agency of the United States may provide to the Secretary to be furnished to any State maritime academy any vessel (including equipment) which is suitable for the purposes of this paragraph and which can be provided without detriment to the service to which such vessel is assigned.

(2) The Secretary may pay to any State maritime academy the amount of the costs of all fuel consumed by any vessel furnished under paragraph (1) while such vessel is being used for training purposes by such academy.

(3)(A) The Secretary may provide for the training of individuals attending a State maritime academy—

(i) on vessels owned or subsidized by the United States;

(ii) on other vessels documented under the laws of the United States if the owner of any such vessel cooperates in such use; and

(iii) in shipyards or plants and with any industrial or educational organizations.

(B) While traveling under orders for purposes of receiving training under this paragraph, any individual who is attending a State maritime academy shall receive from the Secretary allowances for transportation (including reimbursement of traveling expenses) in accordance with any regulations promulgated by the Secretary.

(d) Annual payments

(1) The Secretary may enter into an agreement, which shall be effective for not more than 4 years, with one State maritime academy (not including regional maritime academies) located in each State or territory of the United States which meets the requirements of subsection (f)(1) of this section, and with each regional maritime academy which meets the requirements of subsection (f)(1) of this section, to make annual payments to each such academy for the maintenance and support of such academy. The amount of each such annual payment shall be not less than the amount furnished to such academy for its maintenance and support by the State or territory in which such academy is located or, in the case of a regional mari-

time academy an amount equal to the amount furnished to such academy for its maintenance and support by all States or territories, or both, cooperating to support such academy, but shall not exceed $25,000, or $100,000 if such academy meets the requirements of subsection (f)(2) of this section.

(2) The Secretary shall provide to each State maritime academy guidance and assistance in developing courses on the operation and maintenance of new vessels, on equipment, and on innovations being introduced to the merchant marine of the United States.

(e) Detailing of personnel

Upon the request of the Governor of any State or territory, the President may detail, without reimbursement, any of the personnel of the United States Navy, the United States Coast Guard, or the United States Maritime Service to any State maritime academy to serve as superintendents, professors, lecturers, or instructors at such academy.

(f) Conditions to receiving payments or use of vessels

(1) As a condition to receiving any payment or the use of any vessel under this section, any State maritime academy shall—

(A) provide courses of instruction on navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of new vessels and equipment, and innovations being introduced to the merchant marine of the United States; and

(B) agree in writing to conform to such standards for courses, training facilities, admissions, and instruction as are established by the Secretary after consultation with the superintendents of the State maritime academies.

(2) As a condition to receiving an annual payment of any amount in excess of $25,000 under subsection (d) of this section, a State maritime academy shall agree to admit to such academy each year a number of individuals who meet the admission requirements of such academy and who are citizens of the United States residing in States and territories of the United States other than the States or territories, or both, supporting such academy. The Secretary shall determine the number of individuals under this paragraph for each State maritime academy so that such number does not exceed one-third of the total number of individuals attending such academy at any time.

(g) Student incentive payment agreements

(1) The Secretary may enter into an agreement, which shall be effective for not more than 4 academic years, with any individual, who is a citizen of the United States and is attending a State maritime academy which entered into an agreement with the Secretary under subsection (d)(1) of this section, to make student incentive payments to such individual, which payments shall be in amounts equaling $1,200 for each academic year and which payments shall be—

(A) allocated among the various State maritime academies in a fair and equitable manner;

(B) used to assist the individual in paying the cost of uniforms, books, and subsistence; and

(C) paid by the Secretary to the individual in such payments as the Secretary shall prescribe while such individual is attending such academy.

(2) Each agreement entered into under paragraph (1) shall require the individual to apply for midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) before receiving any student incentive payments under this subsection.

(3) Each agreement entered into under paragraph (1) shall obligate the individual receiving student incentive payments under the agreement—

(A) to complete the course of instruction at the State maritime academy which the individual is attending, unless the individual is separated by such academy;

(B) to take the examination for a license as an officer in the merchant marine of the United States on or before the date of graduation from such State maritime academy of such individual and to fulfill the requirements for such license not later than 3 months after such graduation date;

(C) to maintain a license as an officer in the merchant marine of the United States for at least 6 years following the date of graduation from such State maritime academy of such individual;

(D) to apply for an appointment as, to accept if tendered an appointment as, and to serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other reserve unit of an armed force of the United States, for at least 6 years following the date of graduation from such State maritime academy of such individual;

(E) to serve the foreign and domestic commerce and the national defense of the United States for at least 3 years following the date of graduation from the Academy—

(i) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the United States or by any State or territory of the United States;

(ii) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Secretary), if the Secretary determines that service under clause (i) is not available to such individual;

(iii) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(iv) by combining the services specified in clauses (i), (ii), and (iii); and

(F) to report to the Secretary on the compliance by the individual to this paragraph.

(4) If the Secretary determines that any individual who has attended a State maritime acad-

emy for not less than 2 years has failed to fulfill the part of the acreement (required by paragraph (1)) described in paragraph (3)(A), such individual may be ordered by the Secretary of the Navy to active duty in the United States Navy to serve for a period of time not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this paragraph.

(5) If the Secretary determines that any individual has failed to fulfill any part of the agreement (required by paragraph (1)) described in subparagraphs (B), (C), (D), (E), or (F) of paragraph (3), such individual may be ordered to active duty to serve a period of time not less than 2 years and not more than the unexpired portion (as determined by the Secretary) of the service required by subparagraph (E) of such paragraph. The Secretary, in consultation with the Secretary of Defense, shall determine in which service the individual shall be ordered to active duty to serve such period of time. In cases of hardship as determined by the Secretary, the Secretary may waive this paragraph.

(6) The Secretary may defer the service commitment of any individual pursuant to subparagraph (E) of paragraph (3) (as specified in the agreement required by such paragraph) for a period of not more than 2 years if such individual is engaged in a graduate course of study approved by the Secretary, except that any deferment of service as a commissioned officer pursuant to subparagraph (E) of such paragraph must be approved by the Secretary of the military department (including the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service.

(7) This subsection shall apply only to individuals first entering a State maritime academy after the date occurring 6 months after October 1, 1981.

(h) Appointment of cadet as midshipman in United States Naval Reserve

Any citizen of the United States attending a State maritime academy may be appointed by the Secretary of the Navy as a midshipman in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve).

(June 29, 1936, ch. 858, § 1304, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 2003, and amended Aug. 6, 1981, Pub. L. 97-31, § 12(145), 95 Stat. 166.)

AMENDMENTS

1981—Subsec. (g). Pub. L. 97-31 in par. (5) struck out "and the Secretary of Transportation" after "Secretary of Defense", and in par. (6) struck out "the Secretary of the department in which the United States Coast Guard is operating with respect to the United States Coast Guard and" before "the Secretary of Commerce".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1119, 1295a, 1295f of this Appendix; title 10 section 5985; title 46 section 3302.

§ 1295d. Additional training

(a) The Secretary may provide additional training on maritime subjects, as the Secretary deems necessary, to supplement other training opportunities and may make any such training available to the personnel of the merchant marine of the United States and to individuals preparing for a career in the merchant marine of the United States.

(b) The Secretary may prepare or purchase any equipment or supplies required for any training provided under subsection (a) of this section and may contract with any person, partnership, firm, association, or corporation (without regard to section 5 of title 41) for the performance of any services deemed necessary by the Secretary in the preparation of any such equipment or supplies and in the supervision and administration of any such training.

(June 29, 1936, ch. 858, § 1305, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 2006.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1119 of this Appendix.

§ 1295e. United States Maritime Service

(a) Establishment and maintenance

The Secretary may establish and maintain a voluntary organization for the training of citizens of the United States to serve on merchant marine vessels of the United States to be known as the United States Maritime Service.

(b) Enrollment; compensation; course of study and periods of training; uniforms

The Secretary may determine the number of individuals to be enrolled for training and reserve purposes in such service, to fix the rates of pay and allowances of such individuals without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 (relating to classification and General Schedule pay rates), to prescribe the course of study and the periods of training in such service, and to prescribe the uniform of such service and the rules governing the wearing and furnishing of such uniform.

(c) Ranks, grades, and ratings same as for United States Coast Guard

The ranks, grades, and ratings for personnel of the United States Maritime Service shall be the same as are then prescribed for the personnel of the United States Coast Guard.

(June 29, 1936, ch. 858, § 1306, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 2006.)

§ 1295f. Civilian nautical school

(a) Definition

As used in this section, the term "civilian nautical school" means any school operated and conducted in the United States (except the Academy maintained under section 1295b of this Appendix, any State maritime academy assisted under section 1295c of this Appendix, and any other school operated by the United States or any agency of the United States) which offers instruction to individuals quartered on board any vessel for the primary purpose of training them for service in the merchant marine.

(b) Examination and inspection of school; rating and certification

Each civilian nautical school shall be subject to examination and inspection by the Secretary, and the Secretary may (under such rules and regulations as the Secretary may prescribe) provide for the rating and certification of such schools as to the adequacy of the course of instruction, the competency of the instructors, and the suitability of the equipment used by, or in connection with, such school.

(c) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 603

(d) Fines and penalties

Whoever—

(1) violates this section or any regulations promulgated to implement this section;

(2), (3) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 603.

shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each offense.

(June 29, 1936, ch. 858, § 1307, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 2007, and amended Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 603.)

AMENDMENTS

1983—Subsec. (c). Pub. L. 98-89 struck out subsec. (c). See sections 2101(17), 3301(2), 3306, and 3307(1) of Title 46, Shipping.

Subsec. (d)(2), (3). Pub. L. 98-89 struck out pars. (2) and (3). See section 3318(g) of Title 46.

§ 1295g. Powers and duties of Secretary

(a) Rules and regulations

The Secretary shall establish such rules and regulations as may be necessary to carry out this subchapter.

(b) Excess vessels and equipment

The Secretary may cooperate with and assist the Academy, any State maritime academy, and any nonprofit training institution which has been jointly approved by the Secretary and the Secretary of the department in which the United States Coast Guard is operating as offering training courses which meet Federal regulations for maritime training, by making vessels, shipboard equipment, and other marine equipment, owned by the United States which have been determined to be excess or surplus, available by gift, loan, sale, lease, or charter to such institution for instructional purposes on such terms as the Secretary deems appropriate.

(c) Securing of information, facilities, or equipment; detailing of personnel

(1) The Secretary may secure directly from any department or agency of the United States any information, facilities, or equipment, on a reimbursable basis, necessary to carry out this subchapter.

(2) Upon the request of the Secretary, the head of any department or agency of the United States (including any military department of the United States) may detail, on a reimbursable basis, any of the personnel of such department or agency to the Secretary to assist in carrying out this subchapter.

(d) Employment of personnel

To carry out this subchapter, the Secretary may employ at the Academy any individual as a professor, lecturer, or instructor, without regard to the provisions of title 5 (governing appointments in the competitive service), and may pay such individual without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(June 29, 1936, ch. 858, § 1308, as added Oct. 15, 1980, Pub. L. 96-453, § 2, 94 Stat. 2007, and amended Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 603.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (d), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1983—Subsec. (e). Pub. L. 98-89 struck out subsec. (e). See section 2101(17) of Title 46, Shipping.

CHAPTER 28—CARRIAGE OF GOODS BY SEA

Sec.
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§ 1300. Bills of lading subject to chapter

Every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea to or from ports of the United States, in foreign trade, shall have effect subject to the provisions of this chapter.

(Apr. 16, 1936, ch. 229, 49 Stat. 1207.)

§ 1301. Definitions

When used in this chapter—

(a) The term "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper.

(b) The term "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, insofar as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same.

(c) The term "goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried.

(d) The term "ship" means any vessel used for the carriage of goods by sea.

(e) The term "carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

(Apr. 16, 1936, ch. 229, § 1, 49 Stat. 1208.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1313 of this Appendix.

§ 1302. Duties and rights of carrier

Subject to the provisions of section 1306 of this Appendix, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities and entitled to the rights and immunities set forth in sections 1303 and 1304 of this Appendix.

(Apr. 16, 1936, ch. 229, § 2, 49 Stat. 1208.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1313 of this Appendix.

§ 1303. Responsibilities and liabilities of carrier and ship

(1) Seaworthiness

The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

(a) Make the ship seaworthy;

(b) Properly man, equip, and supply the ship;

(c) Make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.

(2) Cargo

The carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.

(3) Contents of bill

After receiving the goods into his charge the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.

(b) Either the number of packages or pieces, or the quantity or weight, as the case may be, as furnished in writing by the shipper.

(c) The apparent order and condition of the goods: *Provided*, That no carrier, master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

(4) Bill as prima facie evidence

Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraphs (3)(a), (b), and (c), of this section: *Provided*, That nothing in this chapter shall be construed as repealing or limiting the application of any part of the Act of August 29, 1916, commonly known as the "Pomerene Bills of Lading Act" [49 App. U.S.C. 81 et seq.].

(5) Guaranty of statements

The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him; and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

(6) Notice of loss or damage; limitation of actions

Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading. If the loss or damage is not apparent, the notice must be given within three days of the delivery.

Said notice of loss or damage may be endorsed upon the receipt for the goods given by the person taking delivery thereof.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered: *Provided*, That if a notice of loss or damage, either apparent or concealed, is not given as provided for in this section, that fact shall not affect or prejudice the right of the shipper to bring suit within one year after the delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

(7) "Shipped" bill of lading

After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading: *Provided*, That if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

(8) Limitation of liability for negligence

Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this chapter, shall be null and void and of no effect. A benefit of insurance in favor of the carrier, or similar clause, shall be deemed to be a clause relieving the carrier from liability.

(Apr. 16, 1936, ch. 229, § 3, 49 Stat. 1208.)

REFERENCES IN TEXT

The Pomerene Bills of Lading Act, referred to in par. (4), is act Aug. 29, 1916, ch. 415, 39 Stat. 538, as amended, which is classified generally to chapter 4 (§ 81 et seq.) of Title 49, Appendix, Transportation. For complete classification of this Act to the Code, see Short Title note set out under section 81 of Title 49, Appendix, and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1304, 1306, 1313 of this Appendix.

§ 1304. Rights and immunities of carrier and ship

(1) Unseaworthiness

Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of paragraph (1) of section 1303 of this Appendix. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other persons claiming exemption under this section.

(2) Uncontrollable causes of loss

Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

(a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;

(b) Fire, unless caused by the actual fault or privity of the carrier;

(c) Perils, dangers, and accidents of the sea or other navigable waters;

(d) Act of God;

(e) Act of war;

(f) Act of public enemies;

(g) Arrest or restraint of princes, rulers, or people, or seizure under legal process;

(h) Quarantine restrictions;

(i) Act or omission of the shipper or owner of the goods, his agent or representative;

(j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general: *Provided*, That nothing herein contained shall be construed to relieve a carrier from responsibility for the carrier's own acts;

(k) Riots and civil commotions;

(*l*) Saving or attempting to save life or property at sea;

(m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;

(n) Insufficiency of packing;

(o) Insufficiency or inadequacy of marks;

(p) Latent defects not discoverable by due diligence; and

(q) Any other cause arising without the actual fault and privity of the carrier and without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

(3) Freedom from negligence

The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.

(4) Deviations

Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of this chapter or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom: *Provided, however*, That if the deviation is for the purpose of loading or unloading cargo or passengers it shall, prima facie, be regarded as unreasonable.

(5) Amount of liability; valuation of cargo

Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the transportation of goods in an amount exceeding $500 per package lawful money of the United States, or in case of goods not shipped in packages, per customary freight unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading. This declaration, if embodied in the bill of lading, shall be prima facie evidence, but shall not be conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier, and the shipper another maximum amount than that mentioned in this paragraph may be fixed: *Provided*, That such maximum shall not be less than the figure above named. In no event shall the carrier be liable for more than the amount of damage actually sustained.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with the transportation of the goods if the nature or value thereof has been knowingly and fraudulently misstated by the shipper in the bill of lading.

(6) Inflammable, explosive, or dangerous cargo

Goods of an inflammable, explosive, or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place, or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

(Apr. 16, 1936, ch. 229, § 4, 49 Stat. 1210.)

Section Referred to in Other Sections

This section is referred to in sections 1302, 1306, 1313 of this Appendix.

§ 1305. Surrender of rights; increase of liabilities; charter parties; general average

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under this chapter, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of this chapter shall not be applicable to charter parties; but if bills of lading are issued in the case of a ship under a charter party, they shall comply with the terms of this chapter. Nothing in this chapter shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

(Apr. 16, 1936, ch. 229, § 5, 49 Stat. 1211.)

Section Referred to in Other Sections

This section is referred to in sections 1306, 1309, 1313 of this Appendix.

§ 1306. Special agreement as to particular goods

Notwithstanding the provisions of sections 1303 to 1305 of this Appendix, a carrier, master or agent of the carrier, and a shipper shall, in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea: *Provided*, That in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a nonnegotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect: *Provided*, That this section shall not apply to ordinary commercial shipments made in the ordinary course of trade but only to other shipments where the character or condition of the property to be carried or the circumstances, terms, and conditions under which the carriage is to be performed are such as reasonably to justify a special agreement.

(Apr. 16, 1936, ch. 229, § 6, 49 Stat. 1211.)

Section Referred to in Other Sections

This section is referred to in sections 1302, 1313 of this Appendix.

§ 1307. Agreement as to liability prior to loading or after discharge

Nothing contained in this chapter shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

(Apr. 16, 1936, ch. 229, § 7, 49 Stat. 1212.)

Section Referred to in Other Sections

This section is referred to in section 1313 of this Appendix.

§ 1308. Rights and liabilities under other provisions

The provisions of this chapter shall not affect the rights and obligations of the carrier under the provisions of the Shipping Act, 1916 [46 App. U.S.C. 801 et seq.], or under the provisions of sections 4281 to 4289, inclusive, of the Revised Statutes of the United States [46 App. 181-183, 183b-188] or of any amendments thereto; or under the provisions of any other enactment for the time being in force relating to the limitation of the liability of the owners of seagoing vessels.

(Apr. 16, 1936, ch. 229, § 8, 49 Stat. 1212.)

References in Text

The Shipping Act, 1916, referred to in text, is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

Section 4288 of the Revised Statutes, referred to in text, was classified to section 175 of former Title 46, Shipping, and was repealed by act Oct. 9, 1940, ch. 777, § 7, 54 Stat. 1028.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1313 of this Appendix.

§ 1309. Discrimination between competing shippers

Nothing contained in this chapter shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this chapter; or (b) when issuing such bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities and liabilities pursuant to section 1305 of this Appendix; or (c) in any other way prohibited by the Shipping Act, 1916, as amended [46 App. U.S.C. 801 et seq.].

(Apr. 16, 1936, ch. 229, § 9, 49 Stat. 1212.)

REFERENCES IN TEXT

The Shipping Act, 1916, as amended, referred to in text, is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

§ 1310. Weight of bulk cargo

Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in this chapter, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

(Apr. 16, 1936, ch. 229, § 11, 49 Stat. 1212.)

§ 1311. Liabilities before loading and after discharge; effect on other laws

Nothing in this chapter shall be construed as superseding any part of sections 190 to 196 of this Appendix, or of any other law which would be applicable in the absence of this chapter, insofar as they relate to the duties, responsibilities, and liabilities of the ship or carrier prior to the time when the goods are loaded on or after the time they are discharged from the ship.

(Apr. 16, 1936, ch. 229, § 12, 49 Stat. 1212.)

§ 1312. Scope of chapter; "United States"; "foreign trade"

This chapter shall apply to all contracts for carriage of goods by sea to or from ports of the United States in foreign trade. As used in this chapter the term "United States" includes its districts, territories, and possessions. The term "foreign trade" means the transportation of goods between the ports of the United States and ports of foreign countries. Nothing in this chapter shall be held to apply to contracts for carriage of goods by sea between any port of the United States or its possessions, and any other port of the United States or its possessions: *Provided, however,* That any bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea between such ports, containing an express statement that it shall be subject to the provisions of this chapter, shall be subjected hereto as fully as if subject hereto by the express provisions of this chapter: *Provided further,* That every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea from ports of the United States, in foreign trade, shall contain a statement that it shall have effect subject to the provisions of this chapter.

(Apr. 16, 1936, ch. 229, § 13, 49 Stat. 1212; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

A proviso in second sentence of this section that the Philippine Legislature might by law exclude its application to transportation to or from ports of the Philippine Islands was omitted in view of Proc. No. 2695, set out under section 1394 of Title 22, Foreign Relations and Intercourse, which proclaimed the independence of the Philippines.

§ 1313. Suspension of provisions by President

Upon the certification of the Secretary of Transportation that the foreign commerce of the United States in its competition with that of foreign nations is prejudiced by the provisions, or any of them, of sections 1301 to 1308 of this Appendix, or by the laws of any foreign country or countries relating to the carriage of goods by sea, the President of the United States may, from time to time, by proclamation, suspend any or all provisions of said sections for such periods of time or indefinitely as may be designated in the proclamation. The President may at any time rescind such suspension of said sections, and any provisions thereof which may have been suspended shall thereby be reinstated and again apply to contracts thereafter made for the carriage of goods by sea. Any proclamation of suspension or rescission of any such suspension shall take effect on a date named therein, which date shall be not less than ten days from the issue of the proclamation.

Any contract for the carriage of goods by sea, subject to the provisions of this chapter, effective during any period when sections 1301 to 1308 of this Appendix, or any part thereof, are suspended, shall be subject to all provisions of law now or hereafter applicable to that part of said sections which may have thus been suspended.

(Apr. 16, 1936, ch. 229, § 14, 49 Stat. 1213; Aug. 6, 1981, Pub. L. 97-31, § 12(146), 95 Stat. 166.)

AMENDMENTS

1981—Pub. L. 97-31 substituted in first par. "Secretary of Transportation" for "Secretary of Commerce".

§ 1314. Effective date; retroactive effect

This chapter shall take effect ninety days after April 16, 1936; but nothing in this chapter shall apply during a period not to exceed one year following April 16, 1936, to any contract for the carriage of goods by sea, made before April 16, 1936, nor to any bill of lading or similar document of title issued, whether before or after such date in pursuance of any such contract as aforesaid.

(Apr. 16, 1936, ch. 229, § 15, 49 Stat. 1213.)

§ 1315. Short title

This chapter may be cited as the "Carriage of Goods by Sea Act."

(Apr. 16, 1936, ch. 229, § 16, 49 Stat. 1213.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "This Act", meaning act Apr. 16, 1936, ch. 229, 49 Stat. 1207, as amended, which enacted this chapter and amended section 25 of former Title 49, Transportation. For complete classification of this Act to the Code, see Tables.

CHAPTER 32—CONSTRUCTION ASSISTANCE FOR FISHING VESSELS

§§ 1401 to 1403. Omitted

CODIFICATION

Sections 1401 to 1403 were omitted pursuant to section 1413 of this Appendix which provided that applications for subsidies could not be accepted after June 30, 1972.

Section 1401, Pub. L. 86-516, § 1, June 12, 1960, 74 Stat. 212; Pub. L. 88-498, § 2(1), Aug. 30, 1964, 78 Stat. 614, authorized subsidies for the construction of fishing vessels.

Section 1402, Pub. L. 86-516, § 2, June 12, 1960, 74 Stat. 212; Pub. L. 88-498, § 2(2), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 1, June 12, 1970, 84 Stat. 307, related to the application for a subsidy and the conditions to be met.

Section 1403, Pub. L. 86-516, § 3, June 12, 1960, 74 Stat. 212; Pub. L. 88-498, § 2(3), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 2, June 12, 1970, 84 Stat. 307, related to approval of the application and to the contract for the payment of the subsidy.

§§ 1405 to 1413. Omitted

CODIFICATION

Sections 1405 to 1413 were omitted pursuant to section 1413 of this Appendix which provided that applications for subsidies could not be accepted after June 30, 1972.

Section 1405, Pub. L. 86-516, § 5, June 12, 1960, 74 Stat. 213; Pub. L. 88-498, § 2(5), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 3, June 12, 1970, 84 Stat. 307, related to cost determination and limitation of subsidies.

Section 1406, Pub. L. 86-516, § 6, June 12, 1960, 74 Stat. 213, related to supervision of construction and submission of plans to the Secretary of Defense.

Section 1407, Pub. L. 86-516, § 7, June 12, 1960, 74 Stat. 213; Pub. L. 91-279, § 4, June 12, 1970, 84 Stat. 308, related to conditions of construction.

Section 1408, Pub. L. 86-516, § 8, June 12, 1960, 74 Stat. 214, related to acquisition of ownership by the United States of any vessel on which a construction subsidy was paid and payment to the owner of that vessel.

Section 1409, Pub. L. 86-516, § 9, June 12, 1960, 74 Stat. 214; Pub. L. 88-498, § 2(6), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 5, June 12, 1970, 84 Stat. 308, related to transfer of vessels to other fisheries and repayment to the Secretary of the Interior in the event vessels were operated contrary to the provisions of this chapter.

Section 1410, Pub. L. 86-516, § 10, June 12, 1960, 74 Stat. 214, related to promulgation of rules and regulations by the Secretary of the Interior.

Section 1411, Pub. L. 86-516, § 11, June 12, 1960, 74 Stat. 214; Pub. L. 91-279, § 6, June 12, 1970, 84 Stat. 308, related to definitions.

Section 1412, Pub. L. 86-516, § 12, June 12, 1960, 74 Stat. 214; Pub. L. 88-498, § 2(7), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 7, June 12, 1970, 84 Stat. 308, authorized appropriations for the fiscal years 1970 to 1972.

Section 1413, Pub. L. 86-516, § 13, June 12, 1960, 74 Stat. 214; Pub. L. 88-498, § 2(8), Aug. 30, 1964, 78 Stat. 614; Pub. L. 91-279, § 8, June 12, 1970, 84 Stat. 309, provided that no application for a subsidy for construction of a fishing vessel be accepted by the Secretary of the Interior after June 30, 1972.

EMPLOYMENT OF FOREIGN CITIZENS ON THE STERN TRAWLER "ARCTIC TRAWLER"

Pub. L. 94-150, Dec. 15, 1975, 89 Stat. 807, as amended by Pub. L. 96-260, § 1(b), June 3, 1980, 94 Stat. 435, provided: "That the Congress finds that the purposes and objectives of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401-1413) [this chapter] are not being fulfilled in the case of the large stern trawler *Arctic Trawler*, formerly the *Seafreeze Atlantic*, Official Number 517242 (hereafter referred to in this Act as the '*Arctic Trawler*') a vessel of advanced design built under the provisions of that Act, because of the unavailability of skilled United States citizens or skilled aliens legally domiciled in the United States who can be employed as fish processors and fishermen aboard such vessel.

"SEC. 2. (a) Notwithstanding any requirement of item (5), section 2, of the United States Fishing Fleet Improvement Act [cl. (5) of section 1402], of any other provision of law, or of any provision of any contract to which the United States is a party, during the six-year period beginning on the date of the enactment of this Act [Dec. 15, 1975], the owner of the *Arctic Trawler* may employ foreign citizens as crew members of such vessel for service as fish processors and fishermen if at all times during such six-year period—

"(1) the master and all of the officers of the vessel are citizens of the United States;

"(2) citizens of the United States and aliens legally domiciled in the United States comprise not less than 40 percent of the crew;

"(3) any foreign citizen so employed is only used as a fisherman or fish processor aboard the vessel; and

"(4) the owner of the vessel undertakes to hire and train United States citizens or aliens legally domiciled in the United States as fish processors or fishermen aboard the vessel in order to assure a future supply of available United States citizens or aliens legally domiciled in the United States who will be qualified as fish processors or fishermen aboard advanced design trawlers.

"(b) If at any time during such six-year period the Secretary of Commerce finds that the owner of the *Arctic Trawler* is not in compliance with one or more of the conditions set forth in paragraphs (1) through (4) of subsection (a), the Secretary may prohibit the owner from employing foreign citizens as crew members of such vessel for such period of time as the Secretary deems appropriate.

"SEC. 3. Section 2(a) of this Act shall cease to apply at the close of the six-year period referred to in such section; except that if the owner of the *Arctic Trawler* provides evidence satisfactory to the Secretary of Commerce that—

"(1) qualified fish processors or fishermen who are citizens of the United States or aliens legally domiciled in the United States will not be available in sufficient number for employment on the vessel after the close of such period;

"(2) he has instituted and will continue a program to train United States citizens or legally domiciled aliens as fish processors or fishermen; and

"(3) he is making satisfactory progress, as determined by the Secretary, in employing only United States citizens or legally domiciled aliens on the vessel;

the Secretary of Commerce may permit the *Arctic Trawler* to be operated with fishermen or fish processors who are foreign citizens for such additional periods and under such conditions as he deems appropriate; except that the conditions set forth in paragraphs (1), (2), and (3) of section 2(a) shall apply during any such additional period.

"Sec. 4. The provisions of this Act shall not be construed as an amendment of the United States Fishing Fleet Improvement Act [this chapter], except to the extent applicable to *Arctic Trawler*, and any contract with the United States entered into before the date of the enactment of this Act with respect to the construction and operation of such vessel shall continue in full force and effect except that the Secretary of Commerce may amend any such contract in such a manner as he deems necessary in order to implement the provisions of this Act. The Secretary may impose such conditions as may be necessary to assure that the provisions of this Act will be complied with by the owner of the *Arctic Trawler* and may undertake to amend appropriately any documents executed in connection with the construction and operation of such vessel, but if the owner does not consent to any such amendment, the Act shall cease to apply."

CHAPTER 34—SAFE CONTAINERS FOR INTERNATIONAL CARGO

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§ 1501. Definitions

As used in this chapter—

(a) The term "Secretary" means the Secretary of Transportation.

(b) The term "Convention" means the International Convention for Safe Containers, and the annexes thereto, done at Geneva, Switzerland, December 2, 1972.

(c) The term "container" shall have the same meaning as that term is defined in the Convention.

(d) The term "international transport" means the transportation of a container—

(1) to any place within the jurisdiction of the United States from a place within a foreign country;

(2) by United States carriers between two points both of which are outside of the United States; or

(3) from any place within the jurisdiction of the United States to any place within a foreign country.

(e) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(f) The term "new container" means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport, the construction of which began on or after September 6, 1977.

(g) The term "existing container" means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport and which is not a new container.

(h) The term "owner" means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides.

(i) The term "safety approval plate" shall have the same meaning as that term is defined in annex I of the Convention.

(Pub. L. 95-208, § 2, Dec. 13, 1977, 91 Stat. 1475.)

References in Text

For definition of Canal Zone, referred to in subsec. (e), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

Short Title

Section 1 of Pub. L. 95-208 provided: "That this Act [enacting this chapter] may be cited as the 'International Safe Container Act'."

§ 1502. Duties of owners of containers

(a) Initial approval of containers; periodic examination

Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers, the owner of each such container—

(1) who is domiciled and has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the Secretary; and

(2) who is either domiciled or has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the administration of either the country where he is domiciled or has his principal office (so long as such country is a party to the Convention).

Any owner of either a new or existing container who is neither domiciled nor maintains a principal office in the United States, or in any other country which is a party to the Convention, may submit their containers for approval and periodic examination according to the procedure established by the Secretary.

(b) Affixation of safety approval plate on approved existing container

During the period beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, and before January 1, 1985, an owner of an approved existing container may have a safety approval plate affixed to it, if that container is found to meet the standards of the Convention.

(Pub. L. 95-208, § 3, Dec. 13, 1977, 91 Stat. 1476; Pub. L. 97-249, § 1(1), Sept. 8, 1982, 96 Stat. 708.)

AMENDMENTS

1982—Subsec. (b). Pub. L. 97-249 substituted "before January 1, 1985, an owner of an approved existing container may have a safety approval plate affixed to it, if that container" for "before September 6, 1982, an owner of an existing container may have such container approved according to the procedure established by the Secretary, and have a safety approval plate affixed to it, if such container".

EFFECTIVE DATE OF 1982 AMENDMENT

Section 2 of Pub. L. 97-249 provided that: "This Act [amending sections 1502 and 1504 of this Appendix] shall take effect on the later of the date of its enactment [Sept. 8, 1982] or September 6, 1982."

§ 1503. Duties of Secretary of Transportation

(a) Enforcement

On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, the Secretary shall enforce and carry out the provisions of the Convention, and, unless an earlier date is specifically provided, the provisions of this chapter, in the United States.

(b) Regulations

The Secretary shall, as soon as practicable after December 13, 1977, promulgate, and from time to time, amend, those regulations he deems necessary for such enforcement. Such regulations, among other things, shall—

(1) establish procedures for the testing, inspection, and initial approval of existing and new containers and of designs for new containers, including procedures relating to the affixing, invalidating, and removal of safety approval plates for containers;

(2) establish procedures to be followed by owners of containers relating to the periodic examination of containers, as provided in the Convention; and

(3) provide a method for developing, collecting, and disseminating data concerning container safety and the international transport of containers.

(c) Affixation of approval plate; delegation of authority; fees

At any time after December 13, 1977, the Secretary may—

(1) authorize the affixation of a safety approval plate to any container which, after examination, is found not to have a safety approval plate attached to it and which the owner has established meets the standards of the Convention;

(2) delegate and withdraw the delegation of authority to initially approve existing and new containers and designs for new containers, and to authorize the affixing of safety approval plates; and

(3) establish a schedule of fees to be charged and collected for services performed by the Secretary, or under authority delegated by the Secretary, relating to the testing, inspection, and initial approval of containers and container designs.

(d) Method of delegating authority

Those delegations made under subsection (c)(2) of this section may be made to any person, including any public or private agency or nonprofit organization. The Secretary[1] before making any delegation under such subsection, shall promulgate regulations relating to—

(1) the criteria to be followed in selecting a person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection;

(2) the manner in which such recipient shall carry out such delegated functions, in-

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[1] So in original. Probably should be followed by a comma.

cluding the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise; and

(3) the review that will be carried out by the Secretary to determine that any recipient of delegated functions is performing properly the functions so delegated.

No recipient of authority delegated under such subsection may assess or collect, or attempt to assess or collect, any penalty for violation of any provision of this chapter, the Convention, or any order of the Secretary issued under this chapter, or issue or attempt to issue any detention or other order. Any records required to be kept by regulations promulgated by the Secretary under this subsection shall be available to the Secretary, for inspection, upon request. The name and address of the recipient, if other than the owner, together with the functions so delegated and the period of designation, shall be published in the Federal Register and otherwise publicized as appropriate.

(e) Intermodal transport

The Secretary shall, to the maximum possible extent, encourage the development and use of intermodal transport, using containers constructed to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading while such cargo is in transport over land, air, and sea areas.

(Pub. L. 95-208, § 4, Dec. 13, 1977, 91 Stat. 1476.)

§ 1504. Areas of enforcement

(a) Examination of containers; detention orders; restriction or removal of containers from service

(1) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, to ensure compliance with this chapter, and with the Convention, the Secretary may—

(A) examine, or require to be examined, new containers, and existing containers which are subject to this chapter, in international transport, and test, inspect, and approve designs for new containers and new containers being manufactured;

(B) issue a detention order removing or excluding a container from service until the owner of the container establishes to the Secretary's satisfaction that the container meets the standards of the Convention, if the container is subject to this chapter and does not have a valid safety approval plate attached to it, or if there is significant evidence that such a container bearing a safety approval plate is in a condition which creates an obvious risk to safety; and

(C) take whatever other appropriate action he deems necessary, including issuance of any necessary orders, to remove the container involved from service, or restrict its use, in those instances where he finds that a container is not in compliance with the provisions of this chapter or the Convention but does not present an obvious risk to safety.

The Secretary may permit the movement to another location of a container which he finds to be unsafe or which does not have a valid safety approval plate affixed to it, under whatever restriction he considers necessary and consistent with the intent of the Convention, for repair or other appropriate disposition.

(2) Beginning on January 1, 1985, the Secretary may examine or require to be examined any existing container in international transport.

(b) Costs of examinations

The owner of the container involved in any action taken by the Secretary under this section with respect to an examination of a container, shall pay for or reimburse the Secretary for expenses arising from such actions, except for the costs of routine examinations of containers or safety approval plates. In addition, the owner of containers submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturers who submit designs of containers to the procedures established by the Secretary for testing, inspection, and initial approval shall pay for or reimburse the Secretary for the expenses arising from such testing, inspection or approval. Funds received by the Secretary in reimbursement shall be credited to the appropriations bearing the cost thereof.

(c) Presumption of safe condition

A container bearing a safety approval plate authorized by a country which is a party to the Convention shall be presumed to be in a safe condition unless there is significant evidence that the container creates an obvious risk to safety.

(d) Notification of detention or other order; duration of order

Whenever the Secretary issues a detention or other order under this section, he shall promptly notify, in writing, either the owner of the container subject to such order, his agent, or, when the identity of such owner is not apparent from the container of shipping documents, the custodian. The notification shall reasonably identify the container involved, give the location of the container, and reasonably describe the condition or situation which gave rise to the order. An order issued by the Secretary under this section shall remain in effect until the container is declared by the Secretary, or under regulations promulgated by the Secretary, to be in compliance with the standards of the Convention, or until it is permanently removed from service, whichever first occurs.

(e) Notification to foreign country of defect at time of approval

If there is reason to believe that a container to which there is affixed a safety approval plate issued by a foreign country was defective at the time of approval, the Secretary shall notify the country which issued the approval of such defect.

(Pub. L. 95-208, § 5, Dec. 13, 1977, 91 Stat. 1477; Pub. L. 97-249, § 1(2), Sept. 8, 1982, 96 Stat. 708.)

AMENDMENTS

1982—Subsec. (a)(2). Pub. L. 97-249 substituted "January 1, 1985" for "September 6, 1982".

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-249 effective Sept. 8, 1982, see section 2 of Pub. L. 97-249, set out as a note under section 1502 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1505 of this Appendix.

§ 1505. Penalties

(a) Civil penalty

On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, any owner, agent, or custodian who—

(1) has been notified of an order issued by the Secretary under section 1504 of this Appendix; and

(2) fails to take reasonable and prompt action to prevent or stop a container subject to that order from being moved in violation of that order;

shall be subject to a civil penalty of not more than $5,000 for each container so moved. Each day the container remains in service while the order is in effect shall be treated as a separate violation.

(b) Assessment, collection, remission, mitigation, and compromise of penalties

The Secretary shall assess and collect any penalty incurred under this section, and, in his discretion may remit, mitigate, or compromise any such penalty. No penalty shall be assessed until after the person charged has been given notice and an opportunity for a hearing. In assessing, remitting, mitigating, or compromising a penalty the Secretary shall consider the gravity of the violation, the hazards involved, and the record of the person charged with respect to violations of this chapter or of the Convention. Upon failure of any person to pay any penalty assessed against him by the Secretary, the Secretary shall request the Attorney General to begin an action in any district court of the United States to recover the amount of the penalty unpaid.

(Pub. L. 95-208, § 6, Dec. 13, 1977, 91 Stat. 1478.)

§ 1506. Employee protection

(a) Discrimination against a reporting employee prohibited

No person shall discharge or in any manner discriminate against an employee because the employee has reported the existence of an unsafe container or reported a violation of this chapter to the Secretary or his agents.

(b) Complaint alleging discrimination

An employee who believes that he has been discharged or discriminated against in violation of this section may, within 60 days after the violation occurs, file a complaint alleging discrimination with the Secretary of Labor.

(c) Investigation by Secretary of Labor; judicial relief

The Secretary of Labor may investigate the complaint and, if he determines that this section has been violated, bring an action in an appropriate United States district court. The district court shall have jurisdiction to restrain violations of subsection (a) of this section and to order appropriate relief, including rehiring and reinstatement of the employee to his former position with back pay.

(d) Notification to complainant of intended action

Within 30 days after the receipt of a complaint filed under this section the Secretary of Labor shall notify the complainant of his intended action regarding the complaint.

(Pub. L. 95-208, § 7, Dec. 13, 1977, 91 Stat. 1479.)

§ 1507. Amendments to Convention

(a) Proposed amendments; advice and consent of Senate; declaration of non-acceptance

The Secretary of State, with the concurrence of the Secretary, may propose amendments to the Convention or may request a conference for amending the Convention in accordance with article IX of the Convention. An amendment communicated to the United States in accordance with article IX(2) of the Convention may be accepted for the United States by the President, with the advice and consent of the Senate. The President may make a declaration that the United States does not accept an amendment.

(b) Amendment of Convention annexes

The Secretary of State, with the concurrence of the Secretary, may propose amendments to the annexes of the Convention, may propose a conference for amending annexes to the Convention and shall consider and act on amendments to the annexes of the Convention adopted by the Maritime Safety Committee and communicated to the United States in accordance with article X(2) of the Convention. If a proposed amendment is approved by the United States, the amendment shall enter into force in accordance with article X of the Convention. If any proposed amendment is objected to, the Secretary of State shall promptly communicate the objection as provided in article X(3) of the Convention.

(c) Appointment of arbitrator

The Secretary of State, with the concurrence of the Secretary, shall appoint an arbitrator when one is required to resolve a dispute within the meaning of article XIII of the Convention.

(Pub. L. 95-208, § 8, Dec. 13, 1977, 91 Stat. 1479.)

§ 1508. Authorization of appropriations

Beginning with the fiscal year ending September 30, 1979, and for each fiscal year thereafter, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this chapter.

(Pub. L. 95-208, § 9, Dec. 13, 1977, 91 Stat. 1480.)

CHAPTER 35—MARITIME ADMINISTRATION

Sec.
1601. Transfer of Administration.
1602. Transfer of functions, powers, and duties.
1603. Administrator; appointment, compensation, etc.
1604. Exercise of authorities.
1605. Transfer of personnel and funds.
1606. Determinations and dispositions by Director of Office of Management and Budget respecting transfers.
1607. Use of personnel for implementation of transfer provisions.
1608. Administrative determinations and proceedings.
  (a) Continuation in effect of orders, determinations, etc., issued, made, granted, or effective in performance of functions transferred.
  (b) Continuation of pending proceedings and applications during transfer period; Maritime Subsidy Board actions pending on review; promulgation of regulations for orderly transfer of continued proceedings.
  (c) Actions and proceedings commenced prior to transfer of functions.
  (d) Abatement of actions, proceedings, etc.
  (e) Substitution of parties.
  (f) Administrative and judicial review procedures applicable.
1609. References in other Federal laws to functions or offices transferred.
1610. Severability of provisions.

§ 1601. Transfer of Administration

The Maritime Administration of the Department of Commerce is transferred to the Department of Transportation.

(Pub. L. 97-31, § 2, Aug. 6, 1981, 95 Stat. 151.)

Short Title

Section 1 of Pub. L. 97-31 provided: "That this Act [see Tables for classification] may be cited as the 'Maritime Act of 1981'."

Section Referred to in Other Sections

This section is referred to in title 49 section 109.

§ 1602. Transfer of functions, powers, and duties

There are transferred to the Department of Transportation and vested in the Secretary of Transportation all functions, powers, and duties relating to the Maritime Administration of the Secretary of Commerce and of officers and offices of the Department of Commerce.

(Pub. L. 97-31, § 3, Aug. 6, 1981, 95 Stat. 151.)

Section Referred to in Other Sections

This section is referred to in title 10 section 2664.

§ 1603. Administrator; appointment, compensation, etc.

There shall be at the head of the Maritime Administration an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level III of the Executive Schedule. The Maritime Administrator shall report directly to the Secretary of Transportation and shall perform such duties as the Secretary of Transportation shall prescribe.

(Pub. L. 97-31, § 4, Aug. 6, 1981, 95 Stat. 151.)

References in Text

Level III of the Executive Schedule, referred to in text, is set out in section 5314 of Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in title 49 section 109.

§ 1604. Exercise of authorities

In carrying out any function transferred by this Act, the Secretary of Transportation may exercise any authority available by law to the Secretary of Commerce with respect to such function and the actions of the Secretary of Transportation in exercising such authority shall have the same force and effect as if exercised by the Secretary of Commerce on the day preceding August 6, 1981.

(Pub. L. 97-31, § 5, Aug. 6, 1981, 95 Stat. 151.)

References in Text

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

§ 1605. Transfer of personnel and funds

The personnel employed in connection with, and the assets, liabilities, contracts, property, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by this Act, including all Senior Executive Service positions, subject to section 1531 of title 31, shall be transferred to the Secretary of Transportation for appropriate allocation. Personnel employed in connection with functions transferred by this Act shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that such funds may be used for the expenses associated with the transfer pursuant to this Act.

(Pub. L. 97-31, § 6, Aug. 6, 1981, 95 Stat. 151.)

References in Text

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

Codification

"Section 1531 of title 31" was substituted in text for "section 202 of the Budget and Accounting Procedures Act of 1950 [31 U.S.C. 581c]" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 1606. Determinations and dispositions by Director of Office of Management and Budget respecting transfers

In order to facilitate the transfer effected by this Act, the Director of the Office of Management and Budget is authorized and directed to make such determinations as may be necessary with regard to functions, offices, or portions thereof transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, apportionments, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to resolve disputes between the Secretaries of Commerce and Transportation which may arise in connection with the transfer. This section does not vest in the Director of the Office of Management and Budget any of the functions, powers, or duties of the Maritime Administration, the Secretary of Commerce, or the Secretary of Transportation. The authority and direction given by this section to the Director of the Office of Management and Budget shall terminate sixty days after August 6, 1981.

(Pub. L. 97-31, § 7, Aug. 6, 1981, 95 Stat. 151.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

§ 1607. Use of personnel for implementation of transfer provisions

With the consent of the Secretary of Commerce, the Secretary of Transportation may use the services of such officers, employees, and other personnel of the Department of Commerce as needed to implement this Act.

(Pub. L. 97-31, § 8, Aug. 6, 1981, 95 Stat. 152.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

§ 1608. Administrative determinations and proceedings

(a) Continuation in effect of orders, determinations, etc., issued, made, granted, or effective in performance of functions transferred

All orders, determinations, rules, regulations, permits, grants, contracts, agreements, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Secretary of Transportation or the Department of Transportation, and

(2) which are in effect on August 6, 1981,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Transportation, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Continuation of pending proceedings and applications during transfer period; Maritime Subsidy Board actions pending on review; promulgation of regulations for orderly transfer of continued proceedings

(1) This Act does not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance, pending on August 6, 1981, but such proceedings and applications, to the extent that they relate to functions so transferred and except as provided in paragraph (2), shall be continued at the Department of Transportation. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Transportation, by a court of competent jurisdiction, or by operation of law. This subsection does not prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this Act had not been enacted.

(2) Actions of the Maritime Subsidy Board pending on review before the Secretary of Commerce on the day preceding August 6, 1981, shall remain with the Secretary of Commerce, unless otherwise agreed between the Secretary of Commerce and the Secretary of Transportation, for final administrative disposition as though this Act had not been enacted.

(3) The Secretary of Transportation may promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Actions and proceedings commenced prior to transfer of functions

Except as provided in subsection (e) of this section—

(1) the provisions of this Act shall not affect actions commenced prior to August 6, 1981, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) Abatement of actions, proceedings, etc.

No action or other proceeding commenced by or against any officer of the Maritime Administration in his official capacity shall abate by reason of the enactment of this Act. No cause of action by or against the Maritime Administration or by or against any officer of the Maritime Administration in his official capacity shall abate by reason of the enactment of this Act.

(e) Substitution of parties

If, before August 6, 1981, the Secretary of Commerce is a party to an action, and under this Act any function of the Secretary of Commerce which is the subject of the action is transferred to the Secretary of Transportation, then such action shall be continued with the Secretary of Transportation substituted as a party.

(f) Administrative and judicial review procedures applicable

Orders and actions of the Secretary of Transportation in the exercise of functions transferred under this Act shall be subject to judicial review as if such orders and actions had been by the Secretary of Commerce exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary of Transportation.

(Pub. L. 97-31, § 9, Aug. 6, 1981, 95 Stat. 152.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

§ 1609. References in other Federal laws to functions or offices transferred

With respect to any function or office transferred by this Act and exercised on or after August 6, 1981, reference in any other Federal law to the Maritime Administration or any of its predecessor agencies or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary of Transportation, other official, or component of the Department of Transportation to which this Act transfers such functions.

(Pub. L. 97-31, § 10, Aug. 6, 1981, 95 Stat. 153.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

§ 1610. Severability of provisions

If any provisions of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

(Pub. L. 97-31, § 11, Aug. 6, 1981, 95 Stat. 153.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, known as the Maritime Act of 1981. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this Appendix and Tables.

CHAPTER 36—INTERNATIONAL OCEAN COMMERCE TRANSPORTATION

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§ 1701. Declaration of policy

The purposes of this chapter are—

(1) to establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs;

(2) to provide an efficient and economic transportation system in the ocean commerce of the United States that is, insofar as possible, in harmony with, and responsive to, international shipping practices; and

(3) to encourage the development of an economically sound and efficient United States-flag liner fleet capable of meeting national security needs.

(Pub. L. 98-237, § 2, Mar. 20, 1984, 98 Stat. 67.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act" meaning Pub. L. 98-237, Mar. 20, 1984, 98 Stat. 67, as amended, known as the Shipping Act of 1984. For complete classification of this Act to the Code, see Short Title note below and Tables.

EFFECTIVE DATE

Section 21 of Pub. L. 98-237 provided that: "This Act [see Short Title note below] shall become effective 90 days after the date of its enactment [Mar. 20, 1984], except that sections 17 and 18 [sections 1716 and 1717 of this Appendix] shall become effective upon enactment."

SHORT TITLE

Section 1 of Pub. L. 98-237 provided: "That this Act [enacting this chapter, amending sections 801, 812, 814, 815, 816, 817, 819, 820, 821, 824, 828, 829, 830, 831, 841c, 1122, and 1124 of this Appendix, repealing sections 813, 813a, 825, and 841b of this Appendix, enacting provisions set out as notes under this section, and repealing provisions set out as a note under section 801 of this Appendix] may be cited as the 'Shipping Act of 1984'."

§ 1702. Definitions

As used in this chapter—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof; but the term does not include a maritime labor agreement.

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended [15 U.S.C. 1 et seq.]; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended [15 U.S.C. 12 et seq.]; the Federal Trade Commission Act (38 Stat. 717), as amended [15 U.S.C. 41 et seq.]; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended [15 U.S.C. 8 and 9]; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended [15 U.S.C. 13, 13a, 13b, 21a]; the Antitrust Civil Process Act (76 Stat. 548), as amended [15 U.S.C. 1311 et seq.]; and amendments and Acts supplementary thereto.

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, to the extent that it provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized.

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.

(5) "Commission" means the Federal Maritime Commission.

(6) "common carrier" means a person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country.

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff; but the term does not include a joint service, consortium, pooling, sailing, or transshipment arrangement.

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade.

(11) "forest products" means forest products in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container, including, but not limited to lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, paper board in rolls, and paper in rolls.

(12) "inland division" means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier.

(13) "inland portion" means the charge to the public by a common carrier for the nonocean portion of through transportation.

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or contract based upon time-volume rates, by which a shipper obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference.

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier.

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this chapter, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement.

(17) "non-vessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.

(18) "ocean common carrier" means a vessel-operating common carrier; but the term does not include one engaged in ocean transportation by ferry boat or ocean tramp.

(19) "ocean freight forwarder" means a person in the United States that—

(A) dispatches shipments from the United States via common carriers and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments.

(20) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country.

(21) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party.

(22) "shipment" means all of the cargo carried under the terms of a single bill of lading.

(23) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made.

(24) "shippers' association" means a group of shippers that consolidates or distributes freight on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or service contracts.

(25) "through rate" means the single amount charged by a common carrier in connection with through transportation.

(26) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port.

(27) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

(Pub. L. 98–237, § 3, Mar. 20, 1984, 98 Stat. 67.)

REFERENCES IN TEXT

The Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended, referred to in par. (2), is known as the Sherman Act, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

The Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended, referred to in par. (2), is known as the Clayton Act, which is classified generally to sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of Title 15 and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see References in Text note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in par. (2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of Title 15. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

Sections 73 and 74 of the Act of August 27, 1894, referred to in par. (2), are sections 73 and 74 of act Aug. 27, 1894, ch. 349, 28 Stat. 570. Sections 73 to 77 of such Act are known as the Wilson Tariff Act. Sections 73 to 76 enacted sections 8 to 11 of Title 15. Section 77 was not classified to the Code. For complete classification of this Act to the Code, see Short Title note under section 8 of Title 15 and Tables.

The Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended, referred to in par. (2), is popularly known as the Robinson-Patman Antidiscrimination Act and also as the Robinson-Patman Price Discrimination Act, which enacted sections 13a, 13b, and 21a of Title 15 and amended section 13 of Title 15. For complete classification of this Act to the Code, see Short Title note set out under section 13 of Title 15 and Tables.

The Antitrust Civil Process Act, referred to in par. (2), is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (§ 1311 et seq.) of Title 15. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

§ 1703. Agreements within scope of chapter

(a) Ocean common carriers

This chapter applies to agreements by or among ocean common carriers to—

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of service;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or non-vessel-operating common carriers;

(6) control, regulate, or prevent competition in international ocean transportation; and

(7) regulate or prohibit their use of service contracts.

(b) Marine terminal operators

This chapter applies to agreements (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) among marine terminal operators and among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) Acquisitions

This chapter does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

(Pub. L. 98-237, § 4, Mar. 20, 1984, 98 Stat. 70.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1704 of this Appendix.

§ 1704. Agreements

(a) Filing requirements

A true copy of every agreement entered into with respect to an activity described in section 1703(a) or (b) of this Appendix shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. In the case of an oral agreement, a complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which an agreement shall be filed and the additional information and documents necessary to evaluate the agreement.

(b) Conference agreements

Each conference agreement must—

(1) state its purpose;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership for any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) at the request of any member, require an independent neutral body to police fully the obligations of the conference and its members;

(5) prohibit the conference from engaging in conduct prohibited by section 1709(c)(1) or (3) of this Appendix;

(6) provide for a consultation process designed to promote—

(A) commercial resolution of disputes, and

(B) cooperation with shippers in preventing and eliminating malpractices;

(7) establish procedures for promptly and fairly considering shippers' requests and complaints; and

(8) provide that any member of the conference may take independent action on any rate or service item required to be filed in a tariff under section 1707(a) of this Appendix upon not more than 10 calendar days' notice to the conference and that the conference will include the new rate or service item in its tariff for use by that member, effective no later than 10 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing

conference tariff provision for that rate or service item.

(c) Interconference agreements

Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

(d) Assessment agreements

Assessment agreements shall be filed with the Commission and become effective on filing. The Commission shall thereafter, upon complaint filed within 2 years of the date of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within 1 year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. Except for this subsection and section 1706(a) of this Appendix, this chapter, the Shipping Act, 1916 [46 App. U.S.C. 801 et seq.], and the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], do not apply to assessment agreements.

(e) Maritime labor agreements

This chapter, the Shipping Act, 1916 [46 App. U.S.C. 801 et seq.], and the Intercoastal Shipping Act, 1933 [46 App. U.S.C. 843 et seq.], do not apply to maritime labor agreements. This subsection does not exempt from this chapter, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are required to be set forth in a tariff, whether or not those rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

(Pub. L. 98-237, § 5, Mar. 20, 1984, 98 Stat. 70; Pub. L. 98-595, § 3(b)(1), Oct. 30, 1984, 98 Stat. 3132.)

References in Text

The Shipping Act, 1916, referred to in subsecs. (d) and (e), is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 842 of this Appendix and Tables.

The Intercoastal Shipping Act, 1933, referred to in subsecs. (d) and (e), is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 848 of this Appendix and Tables.

Amendments

1984—Subsec. (a). Pub. L. 98-595 substituted "section 1703(a) or (b) of this Appendix" for "section 1703 of this Appendix".

Section Referred to in Other Sections

This section is referred to in sections 1705, 1706, 1709, 1710 of this Appendix.

§ 1705. Action on agreements

(a) Notice

Within 7 days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

(b) Review standard

The Commission shall reject any agreement filed under section 1704(a) of this Appendix that, after preliminary review, it finds does not meet the requirements of section 1704 of this Appendix. The Commission shall notify in writing the person filing the agreement of the reason for rejection of the agreement.

(c) Review and effective date

Unless rejected by the Commission under subsection (b) of this section, agreements, other than assessment agreements, shall become effective—

(1) on the 45th day after filing, or on the 30th day after notice of the filing is published in the Federal Register, whichever day is later; or

(2) if additional information or documentary material is requested under subsection (d) of this section, on the 45th day after the Commission receives—

(A) all the additional information and documentary material requested; or

(B) if the request is not fully complied with, the information and documentary material submitted and a statement of the reasons for noncompliance with the request. The period specified in paragraph (2) may be extended only by the United States District Court for the District of Columbia upon an application of the Commission under subsection (i) of this section.

(d) Additional information

Before the expiration of the period specified in subsection (c)(1) of this section, the Commission may request from the person filing the agreement any additional information and documentary material it deems necessary to make the determinations required by this section.

(e) Request for expedited approval

The Commission may, upon request of the filing party, shorten the review period specified in subsection (c) of this section, but in no event to a date less than 14 days after notice of the filing of the agreement is published in the Federal Register.

(f) Term of agreements

The Commission may not limit the effectiveness of an agreement to a fixed term.

(g) Substantially anticompetitive agreements

If, at any time after the filing or effective date of an agreement, the Commission determines that the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost, it may, after notice to the person filing the agreement, seek appropriate injunctive relief under subsection (h) of this section.

(h) Injunctive relief

The Commission may, upon making the determination specified in subsection (g) of this section, bring suit in the United States District Court for the District of Columbia to enjoin operation of the agreement. The court may issue a temporary restraining order or preliminary injunction and, upon a showing that the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost, may enter a permanent injunction. In a suit under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene with respect to a claim under this subsection.

(i) Compliance with informational needs

If a person filing an agreement, or an officer, director, partner, agent, or employee thereof, fails substantially to comply with a request for the submission of additional information or documentary material within the period specified in subsection (c) of this section, the United States District Court for the District of Columbia, at the request of the Commission—

(1) may order compliance;

(2) shall extend the period specified in subsection (c)(2) of this section until there has been substantial compliance; and

(3) may grant such other equitable relief as the court in its discretion determines necessary or appropriate.

(j) Nondisclosure of submitted material

Except for an agreement filed under section 1704 of this Appendix, information and documentary material filed with the Commission under section 1704 of this Appendix or this section is exempt from disclosure under section 552 of title 5 and may not be made public except as may be relevant to an administrative or judicial action or proceeding. This section does not prevent disclosure to either body of Congress or to a duly authorized committee or subcommittee of Congress.

(k) Representation

Upon notice to the Attorney General, the Commission may represent itself in district court proceedings under subsections (h) and (i) of this section and section 1710(h) of this Appendix. With the approval of the Attorney General, the Commission may represent itself in proceedings in the United States Courts of Appeal under subsections (h) and (i) of this section and section 1710(h) of this Appendix.

(Pub. L. 98-237, § 6, Mar. 20, 1984, 98 Stat. 72.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1706, 1708, 1709, 1710 of this Appendix.

§ 1706. Exemption from antitrust laws

(a) In general

The antitrust laws do not apply to—

(1) any agreement that has been filed under section 1704 of this Appendix and is effective under section 1704(d) or section 1705 of this Appendix or is exempt under section 1715 of this Appendix from any requirement of this chapter;

(2) any activity or agreement within the scope of this chapter, whether permitted under or prohibited by this chapter, undertaken or entered into with a reasonable basis to conclude that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 1715 of this Appendix from any filing requirement of this chapter;

(3) any agreement or activity that relates to transportation services within or between foreign countries, whether or not via the United States, unless that agreement or activity has a direct, substantial, and reasonably foreseeable effect on the commerce of the United States;

(4) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in a United States import or export trade;

(5) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; or

(6) subject to section 1719(e)(2) of this Appendix, any agreement, modification, or cancellation approved by the Commission before the effective date of this chapter under section 814 of this Appendix, or permitted under section 813a[1] of this Appendix, and any properly published tariff, rate, fare, or charge, classification, rule, or regulation explanatory thereof implementing that argeement, modification, or cancellation.

(b) Exceptions

This chapter does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this chapter with respect to transportation within the United States;

(2) to any discussion or agreement among common carriers that are subject to this chapter regarding the inland divisions (as opposed to the inland portions) of through rates within the United States; or

(3) to any agreement among common carriers subject to this chapter to establish, operate, or maintain a marine terminal in the United States.

(c) Limitations

(1) Any determination by an agency or court that results in the denial or removal of the im-

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[1] See References in Text note below.

munity to the antitrust laws set forth in subsection (a) of this section shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act (15 U.S.C. 15), or obtain injunctive relief under section 16 of that Act (15 U.S.C. 26), for conduct prohibited by this chapter.

(Pub. L. 98-237, § 7, Mar. 20, 1984, 98 Stat. 73.)

REFERENCES IN TEXT

For the effective date of this chapter, referred to in subsec. (a)(6), as 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

Section 813a of this Appendix, referred to in subsec. (a)(6), was repealed by Pub. L. 98-237, § 20(a), Mar. 20, 1984, 98 Stat. 88.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1704 of this Appendix.

§ 1707. Tariffs

(a) In general

(1) Except with regard to bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) state the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) state the level of ocean freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and

(E) include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for them.

(b) Time-volume rates

Rates shown in tariffs filed under subsection (a) of this section may vary with the volume of cargo offered over a specified period of time.

(c) Service contracts

An ocean common carrier or conference may enter into a service contract with a shipper or shippers' association subject to the requirements of this chapter. Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste, each contract entered into under this subsection shall be filed confidentially with the Commission, and at the same time, a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and those essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for nonperformance, if any.

The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) Rates

No new or initial rate or change in an existing rate that results in an increased cost to the shipper may become effective earlier than 30 days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than 30 days. A change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) Refunds

The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require that give notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within 180 days from the date of shipment.

(f) Form

The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject a tariff that is not filed in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void and its use is unlawful.

(Pub. L. 98-237, § 8, Mar. 20, 1984, 98 Stat. 74.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1704, 1708, 1719 of this Appendix.

§ 1708. Controlled carriers

(a) Controlled carrier rates

No controlled carrier subject to this section may maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor may any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in those tariffs. An unjust or unreasonable classification, rule, or regulation means one that results or is likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations that the controlled carrier has failed to demonstrate to be just and reasonable. In a proceeding under this subsection, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void and their use is unlawful.

(b) Rate standards

For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) Effective date of rates

Notwithstanding section 1707(d) of this Appendix, the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the 30th day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within 20 days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) Disapproval of rates

Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend the rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend those rates, charges, classifications, rules, or regulations on not less than 60 days' notice to the controlled carrier. No period of suspension under this subsection may be greater than 180 days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject the new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) Presidential review

Concurrently with the publication thereof, the Commission shall transmit to the President each order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within 10 days after the receipt or the effective date of the Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if the President finds that the stay is required for reasons of national defense or foreign policy, which reasons shall be specified in the report. Notwithstanding any other law, the Commission shall immediately grant the request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) Exceptions

This section does not apply to—

(1) a controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) a controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of a controlled carrier in any particular trade that are covered by an agreement effective under section 1705 of this Appendix, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States; or

(5) a trade served exclusively by controlled carriers.

(Pub. L. 98-237, § 9, Mar. 20, 1984, 98 Stat. 76.)

REFERENCES IN TEXT

For the effective date of this section, referred to in subsec. (f)(2), as 90 days after Mar. 20, 1984, see section 21 of Pub. L. 98-237, set out as an Effective Date note under section 1701 of this Appendix.

§ 1709. Prohibited acts

(a) In general

No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(2) operate under an agreement required to be filed under section 1704 of this Appendix that has not become effective under section 1705 of this Appendix, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement required to be filed under section 1704 of this Appendix except in accordance with the terms of the agreement or any modifications made by the Commission to the agreement.

(b) Common carriers

No common carrier, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are shown in its tariffs or service contracts;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs or service contracts;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs or service contracts;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff or service contract by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) except for service contracts, engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) use a loyalty contract, except in conformity with the antitrust laws;

(10) demand, charge, or collect any rate or charge that is unjustly discriminatory between shippers or ports;

(11) except for service contracts, make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever;

(12) subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever;

(13) refuse to negotiate with a shippers' association; or

(14) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transaction to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (14) shall be construed to prevent providing such information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this chapter. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this chapter, or any receiver, trustee, lessee, agent, or employee of that carrier, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this chapter or any other Act is prohibited.

(c) Concerted action

No conference or group of two or more common carriers may—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) engage in conduct that unreasonably restricts the use of intermodal services or technological innovations;

(3) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of a common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(4) negotiate with a nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by those nonocean carriers: *Provided*, That this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers;

(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder or limit that compensation to less than a reasonable amount; or

(6) allocate shippers among specific carriers that are parties to the agreement or prohibit a carrier that is a party to the agreement from soliciting cargo from a particular shipper, except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract.

(d) Common carriers, ocean freight forwarders, and marine terminal operators

(1) No common carrier, ocean freight forwarder, or marine terminal operator may fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property.

(2) No marine terminal operator may agree with another marine terminal operator or with a common carrier to boycott, or unreasonably discriminate in the provision of terminal services to, any common carrier or ocean tramp.

(3) The prohibitions in subsection (b)(11), (12), and (14) of this section apply to marine terminal operators.

(e) Joint ventures

For purposes of this section, a joint venture or consortium of two or more common carriers but operated as a single entity shall be treated as a single common carrier.

(Pub. L. 98-237, § 10, Mar. 20, 1984, 98 Stat. 77.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1704, 1710, 1712 of this Appendix.

§ 1710. Complaints, investigations, reports, and reparations

(a) Filing of complaints

Any person may file with the Commission a sworn complaint alleging a violation of this chapter, other than section 1705(g) of this Appendix, and may seek reparation for any injury caused to the complainant by that violation.

(b) Satisfaction or investigation of complaints

The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) Commission investigations

The Commission, upon complaint or upon its own motion, may investigate any conduct or agreement that it believes may be in violation of this chapter. Except in the case of an injunction granted under subsection (h) of this section, each agreement under investigation under this section remains in effect until the Commission issues an order under this subsection. The Commission may by order disapprove, cancel, or modify any agreement filed under section 1704(a) of this Appendix that operates in violation of this chapter. With respect to agreements inconsistent with section 1705(g) of this Appendix, the Commission's sole remedy is under section 6(h) of this Appendix.

(d) Conduct of investigation

Within 10 days after the initiation of a proceeding under this section, the Commission shall set a date on or before which its final decision will be issued. This date may be extended for good cause by order of the Commission.

(e) Undue delays

If, within the time period specified in subsection (d) of this section, the Commission determines that it is unable to issue a final decision because of undue delays caused by a party to the proceedings, the Commission may impose sanctions, including entering a decision adverse to the delaying party.

(f) Reports

The Commission shall make a written report of every investigation made under this chapter in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and the published report shall be competent evidence in all courts of the United States.

(g) Reparations

For any complaint filed within 3 years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest at commercial rates compounded from the date of injury) caused by a violation of this chapter plus reasonable attorney's fees. Upon a showing that the injury was caused by activity that is prohibited by section 1709(b)(5) or (7) of this Appendix or section 1709(c)(1) or (3) of this Appendix, or that violates section 1709(a)(2) or (3) of this Appendix, the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 1709(b)(6)(A) or (B) of this Appendix, the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(h) Injunction

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this chapter. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in a district in which the defendant resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a) of this section, the complainant may file suit in a district court of the United States to enjoin conduct in violation of this chapter. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant has been sued by the Commission under paragraph (1); or, if no suit has been filed, in a district in which the defendant resides or transacts business. A defendant that prevails in a suit under this paragraph shall be allowed reasonable attorney's fees to be assessed and collected as part of the costs of the suit.

(Pub. L. 98-237, § 11, Mar. 20, 1984, 98 Stat. 80; Pub. L. 98-595, § 3(b)(2), Oct. 30, 1984, 98 Stat. 3132.)

AMENDMENTS

1984—Subsec. (g). Pub. L. 98-595 substituted "section 1709(c)(1) or (3) of this Appendix" for "section 1709(c)(1) or (4) of this Appendix".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1705 of this Appendix.

§ 1711. Subpenas and discovery

(a) In general

In investigations and adjudicatory proceedings under this chapter—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission that, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) Witness fees

Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

(Pub. L. 98-237, § 12, Mar. 20, 1984, 98 Stat. 81.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1712 of this Appendix.

§ 1712. Penalties

(a) Assessment of penalty

Whoever violates a provision of this chapter, a regulation issued thereunder, or a Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this chapter, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(b) Additional penalties

(1) For a violation of section 1709(b)(1), (2), (3), (4), or (8) of this Appendix, the Commission may suspend any or all tariffs of the common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed 12 months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 1711 of this Appendix, the Commission may, after notice and an opportunity for hearing, suspend any or all tariffs of a common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended is subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commis-

sion shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) If, after notice and hearing, the Commission finds that the action of a common carrier, acting alone or in concert with any person, or a foreign government has unduly impaired access of a vessel documented under the laws of the United States to ocean trade between foreign ports, the Commission shall take action that it finds appropriate, including the imposition of any of the penalties authorized under paragraphs (1), (2), and (3) of this subsection.

(6) Before an order under this subsection becomes effective, it shall be immediately submitted to the President who may, within 10 days after receiving it, disapprove the order if the President finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) Assessment procedures

Until a matter is referred to the Attorney General, the Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this chapter. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

(d) Review of civil penalty

A person against whom a civil penalty is assessed under this section may obtain review thereof under chapter 158 of title 28.

(e) Failure to pay assessment

If a person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to recover the amount assessed in an appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) Limitations

(1) No penalty may be imposed on any person for conspiracy to violate section 1709(a)(1), (b)(1), or (b)(4) of this Appendix, or to defraud the Commission by concealment of such a violation.

(2) Each proceeding to assess a civil penalty under this section shall be commenced within 5 years from the date the violation occurred.

(Pub. L. 98-237, § 13, Mar. 20, 1984, 98 Stat. 82.)

§ 1713. Commission orders

(a) In general

Orders of the Commission relating to a violation of this chapter or a regulation issued thereunder shall be made, upon sworn complaint or on its own motion, only after opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) Reversal or suspension of orders

The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing may, except by special order of the Commission, operate as a stay of that order.

(c) Enforcement of nonreparation orders

In case of violation of an order of the Commission, or for failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured by the violation, may seek enforcement by a United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) Enforcement of reparation orders

(1) In case of violation of an order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in a United States district court having jurisdiction of the parties.

(2) In a United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed reasonable attorney's fees to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in a district in which any one plaintiff could maintain a suit against any one defendant. Service of process against a defendant not found in that district may be made in a district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) Statute of limitations

An action seeking enforcement of a Commission order must be filed within 3 years after the date of the violation of the order.

(Pub. L. 98-237, § 14, Mar. 20, 1984, 98 Stat. 83.)

§ 1714. Reports and certificates

(a) Reports

The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) Certification

The Commission shall require the chief executive officer of each common carrier and, to the extent it deems feasible, may require any shipper, shippers' association, marine terminal operator, ocean freight forwarder, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this chapter;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Whoever fails to file a certificate required by the Commission under this subsection is liable to the United States for a civil penalty of not more than $5,000 for each day the violation continues.

(Pub. L. 98-237, § 15, Mar. 20, 1984, 98 Stat. 84; Pub. L. 98-595, § 3(b)(3), Oct. 30, 1984, 98 Stat. 3133.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-595 substituted "Whoever fails to file a certificate required by the Commission under this subsection is liable to the United States for" for "Failure to file a certificate shall result in" before "a civil penalty".

§ 1715. Exemptions

The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this chapter or any specified activity of those persons from any requirement of this chapter if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

(Pub. L. 98-237, § 16, Mar. 20, 1984, 98 Stat. 84.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1706 of this Appendix.

§ 1716. Regulations

(a) The Commission may prescribe rules and regulations as necessary to carry out this chapter.

(b) The Commission may prescribe interim rules and regulations necessary to carry out this chapter. For this purpose, the Commission is excepted from compliance with the notice and comment requirements of section 553 of title 5. All rules and regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 days after March 20, 1984.

(Pub. L. 98-237, § 17, Mar. 20, 1984, 98 Stat. 84.)

§ 1717. Agency reports and Advisory Commission

(a) Collection of data

For a period of 5 years following March 20, 1984, the Commission shall collect and analyze information concerning the impact of this chapter upon the international ocean shipping industry, including data on:

(1) increases or decreases in the level of tariffs;

(2) changes in the frequency or type of common carrier services available to specific ports or geographic regions;

(3) the number and strength of independent carriers in various trades; and

(4) the length of time, frequency, and cost of major types of regulatory proceedings before the Commission.

(b) Consultation with other departments and agencies

The Commission shall consult with the Department of Transportation, the Department of Justice, and the Federal Trade Commission annually concerning data collection. The Department of Transportation, the Department of Justice, and the Federal Trade Commission shall at all times have access to the data collected under this section to enable them to provide comments concerning data collection.

(c) Agency reports

(1) Within 6 months after expiration of the 5-year period specified in subsection (a) of this section, the Commission shall report the information, with an analysis of the impact of this chapter, to Congress, to the Advisory Commission on Conferences in Ocean Shipping established in subsection (d) of this section, and to the Department of Transportation, the Department of Justice, and the Federal Trade Commission.

(2) Within 60 days after the Commission submits its report, the Department of Transportation, the Department of Justice, and the Federal Trade Commission shall furnish an analysis of the impact of this chapter to Congress and

to the Advisory Commission on Conferences in Ocean Shipping.

(3) The reports required by this subsection shall specifically address the following topics:

(A) the advisability of adopting a system of tariffs based on volume and mass of shipment;

(B) the need for antitrust immunity for ports and marine terminals; and

(C) the continuing need for the statutory requirement that tariffs be filed with and enforced by the Commission.

(d) Establishment and composition of Advisory Commission

(1) Effective 5½ years after March 20, 1984, there is established the Advisory Commission on Conferences in Ocean Shipping (hereinafter referred to as the "Advisory Commission").

(2) The Advisory Commission shall be composed of 17 members as follows:

(A) a cabinet level official appointed by the President;

(B) 4 members from the United States Senate appointed by the President pro tempore of the Senate, 2 from the membership of the Committee on Commerce, Science, and Transportation and 2 from the membership of the Committee on the Judiciary;

(C) 4 members from the United States House of Representatives appointed by the Speaker of the House, 2 from the membership of the Committee on Merchant Marine and Fisheries, and 2 from the membership of the Committee on the Judiciary; and

(D) 8 members from the private sector appointed by the President.

(3) The President shall designate the chairman of the Advisory Commission.

(4) The term of office for members shall be for the term of the Advisory Commission.

(5) A vacancy in the Advisory Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(6) Nine members of the Advisory Commission shall constitute a quorum, but the Advisory Commission may permit as few as 2 members to hold hearings.

(e) Compensation of members of the Advisory Commission

(1) Officials of the United States Government and Members of Congress who are members of the Advisory Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for reasonable travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Advisory Commission.

(2) Members of the Advisory Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5, when engaged in the performance of the duties vested in the Advisory Commission, plus reimbursement for reasonable travel, subsistence, and other necessary expenses incurred by them in the performance of those duties, notwithstanding the limitations in sections 5701 through 5733 of title 5.

(3) Members of the Advisory Commission appointed from the private sector are not subject to section 208 of title 18. Before commencing service, these members shall file with the Advisory Commission a statement disclosing their financial interests and business and former relationships involving or relating to ocean transportation. These statements shall be available for public inspection at the Advisory Commission's offices.

(f) Advisory Commission functions

The Advisory Commission shall conduct a comprehensive study of, and make recommendations concerning, conferences in ocean shipping. The study shall specifically address whether the Nation would be best served by prohibiting conferences, or by closed or open conferences.

(g) Powers of the Advisory Commission

(1) The Advisory Commission may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Advisory Commission may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman, or any duly designated member, and may be served by any person designated by the chairman, or that member. In case of contumacy by, or refusal to obey a subpena to, any person, the Advisory Commission may advise the Attorney General who shall invoke the aid of any court of the United States within the jurisdiction of which the Advisory Commission's proceedings are carried on, or where that person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and the court may issue an order requiring that person to appear before the Advisory Commission, there to produce records, if so ordered, or to give testimony. A failure to obey such an order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district whereof the person is an inhabitant or may be found.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, shall furnish to the Advisory Commission, upon request made by the chairman, such information as the Advisory Commission deems necessary to carry out its functions.

(3) Upon request of the chairman, the Department of Justice, the Department of Transportation, the Federal Maritime Commission, and the Federal Trade Commission shall detail staff personnel as necessary to assist the Advisory Commission.

(4) The chairman may rent office space for the Advisory Commission, may utilize the services and facilities of other Federal agencies

with or without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, may accept, hold, and administer gifts from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research, or surveys in furtherance of the work of the Advisory Commission.

(h) Final report

The Commission shall, within 1 year after its establishment, submit to the President and to the Congress a final report containing a statement of the findings and conclusions of the Advisory Commission resulting from the study undertaken under subsection (f) of this section, including recommendations for such administrative, judicial, and legislative action as it deems advisable. Each recommendation made by the Advisory Commission to the President and to the Congress must have the majority vote of the Advisory Commission present and voting.

(i) Expiration of the Commission

The Advisory Commission shall cease to exist 30 days after the submission of its final report.

(j) Authorization of appropriation

There is authorized to be appropriated $500,000 to carry out the activities of the Advisory Commission.

(Pub. L. 98-237, § 18, Mar. 20, 1984, 98 Stat. 85.)

§ 1718. Ocean freight forwarders

(a) License

No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that—

(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

(b) Suspension or revocation

The Commission shall, after notice and hearing, suspend of [2] revoke a license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with a provision of this chapter or with a lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2) of this section.

(c) Exception

A person whose primary business is the sale of merchandise may forward shipments of the merchandise for its own account without a license.

(d) Compensation of forwarders by carriers

(1) A common carrier may compensate an ocean freight forwarder in connection with a shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) Engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space.

(B) Prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with the tariff requirements of this chapter.

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to a shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on that shipment.

(Pub. L. 98-237, § 19, Mar. 20, 1984, 98 Stat. 87.)

§ 1719. Contracts, agreements, and licenses under prior shipping legislation

(a) to (c) Omitted

(d) Effects on certain agreements and contracts

All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under this chapter; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this chapter.

(e) Savings provisions

(1) Each service contract entered into by a shipper and an ocean common carrier or conference before March 20, 1984, may remain in full force and effect and need not comply with the requirements of section 1707(c) of this Appendix until 15 months after March 20, 1984.

(2) This Act and the amendments made by it shall not affect any suit—

(A) filed before March 20, 1984; or

(B) with respect to claims arising out of conduct engaged in before March 20, 1984, filed within 1 year after March 20, 1984.

(Pub. L. 98-237, § 20 (less (a)-(c)), Mar. 20, 1984, 98 Stat. 90.)

REFERENCES IN TEXT

This Act and the amendments made by it, referred to in subsec. (e)(2), is Pub. L. 98-237, Mar. 20, 1984, 98 Stat. 67, as amended, known as the Shipping Act of 1984, which is classified generally to this chapter [§ 1701 et seq.]. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this Appendix and Tables.

CODIFICATION

Section is comprised of subsecs. (d) and (e) of section 20 of Pub. L. 98-237. Subsecs. (a) to (c) of section 20 amended sections 801, 812, 814, 815, 816, 817, 819, 820, 821, 824, 828, 829, 830, 831, 841c, 1122, and 1124 of this Appendix and repealed sections 813, 813a, 825, and

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[2] So in original. Probably should be "or".

841b of this Appendix and provisions set out as a note under section 801 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1706 of this Appendix.

§ 1720. Compliance with budget act

Any new spending authority (within the meaning of section 651 of title 2) which is provided under this chapter shall be effective for any fiscal year only to the extent or in such amounts as provided in advance in appropriations Acts. Any provision of this chapter that authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

(Pub. L. 98-237, § 22, Mar. 20, 1984, 98 Stat. 90.)

[illegible]

References in Text

[illegible]

Codification

[illegible]

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

CHAPTER 2—SUBMARINE CABLES

§ 35. Withholding or revoking of licenses by President; terms and conditions of licenses

[See main edition for text]

(May 27, 1921, ch. 12, § 2, 42 Stat. 8; June 19, 1934, ch. 652, title VII, § 702(c), formerly title VI, § 602(c), 48 Stat. 1102; renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

CHAPTER 5—WIRE OR RADIO COMMUNICATION

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- (e) State regulation of facilities serving subscribers in multiple dwelling units.

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- (f) Itemization of franchise fee in bill.
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- (b) Promulgation of regulations; scope; contents; periodic review and amendment.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 15, 702, 721, 741, 754 of this title; title 7 section 923; title 15 sections 44, 4245, 4276; title 18 section 2511; title 40 section 791; title 41 sections 43, 356; title 45 sections 851, 853; title 49 App. section 2605.

SUBCHAPTER I—GENERAL PROVISIONS

§ 152. Application of chapter

(a) The provisions of this chapter shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Canal Zone, or to wire or radio communication or transmission wholly within the Canal Zone. The provisions of this chapter shall apply with respect to cable service, to all persons engaged within the United States in providing such service, and to the facilities of cable operators which relate to such service, as provided in subchapter V-A.

(b) Except as provided in section 224 of this title and subject to the provisions of section 301 of this title and subchapter V-A of this chapter, nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (3) any carrier engaged in interstate or foreign communication solely through connection by radio, or by wire and radio, with facilities, located in an adjoining State or in Canada or Mexico (where they adjoin the State in which the carrier is doing business), of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (4) any carrier to which clause (2) or clause (3) of this subsection would be applicable except for furnishing interstate mobile radio communication service or radio communication service to mobile stations on land vehicles in Canada or Mexico; except that sections 201 to 205 of this title shall, except as otherwise provided therein, apply to carriers described in clauses (2), (3), and (4) of this subsection.

(As amended Oct. 30, 1984, Pub. L. 98-549, § 3(a), 98 Stat. 2801.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-549, § 3(a)(1), added provision making this chapter applicable with respect to cable service, to all persons engaged within the United States in providing such service, and to the facilities of cable operators which relate to such service, as provided in subchapter V-A of this chapter.

Subsec. (b). Pub. L. 98-549, § 3(a)(2), inserted "and subchapter V-A of this chapter" after "section 301 of this title".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 153. Definitions

For the purposes of this chapter, unless the context otherwise requires—

[*See main edition for text of* (a) *to* (y)]

(z)(1) "Radio officer" on a ship of the United States means, for the purpose of part II of subchapter III of this chapter, a person holding at least a first or second class radiotelegraph operator's license as prescribed and issued by the Commission. When such person is employed to operate a radiotelegraph station aboard a ship of the United States, he is also required to be licensed as a "radio officer" in accordance with chapter 71 of title 46.

[*See main edition for text of* (2); (aa) *to* (gg); *credits*]

CODIFICATION

In subsec. (z)(1), "chapter 71 of title 46" was substituted for "the Act of May 12, 1948 (46 U.S.C. 229a-h)" on authority of Pub. L. 98-89, § 2(b), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 541, 543, 556, 557, 741 of this title; title 7 section 924; title 15 section 78c; title 18 section 2510.

§ 154. Federal Communications Commission

(a) Number of commissioners; appointment

The Federal Communications Commission (in this chapter referred to as the "Commission") shall be composed of five commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

[*See main edition for text of* (b) *to* (e)]

(f) Employees and assistants; compensation of members of Field Engineering and Monitoring Bureau; use of amateur volunteers for certain purposes

[*See main edition for text of* (1) *to* (3)]

(4) [*See main edition for text of* (A) *to* (D)]

(E) The Commission shall have the authority to endorse certification of individuals to perform transmitter installation, operation, maintenance, and repair duties in the private land mobile services and fixed services (as defined by the Commission by rule) if such certification programs are conducted by organizations or committees which are representative of the users in those services and which consist of individuals who are not officers or employees of the Federal Government.

(F) The authority of the Commission established in this paragraph shall not be subject to or affected by the provisions of part III of title 5 or section 1342 of title 31.

(G) Any person who provides services under this paragraph shall not be considered, by reason of having provided such services, a Federal employee.

(H) The Commission, in accepting and employing services of individuals under subparagraphs (A), (B), and (C), shall seek to achieve a broad representation of individuals and organizations interested in amateur station operation.

(I) The Commission may establish rules of conduct and other regulations governing the service of individuals under this paragraph.

(J) With respect to the acceptance of voluntary uncompensated services for the preparation, processing, or administration of examinations for amateur station operator licenses pursuant to subparagraph (A) or (B) of this paragraph, individuals, or organizations which provide or coordinate such authorized volunteer services may recover from examinees reimbursement for out-of-pocket costs. The total amount of allowable cost reimbursement per examinee shall not exceed $4, adjusted annually every January 1 for changes in the Department of Labor Consumer Price Index. Such individuals and organizations shall maintain records of out-of-pocket expenditures and shall certify annually to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred.

[*See main edition for text of* (*g*)]

(h) Quorum; seal

Three members of the Commission shall constitute a quorum thereof. The Commission shall have an official seal which shall be judicially noticed.

[*See main edition for text of* (*i*) *to* (*o*)]

(June 19, 1934, ch. 652, title I, § 4, 48 Stat. 1066; Jan. 22, 1936, ch. 25, 49 Stat. 1098; May 20, 1937, ch. 229, §§ 3, 4, 50 Stat. 190; Mar. 23, 1941, ch. 24, 55 Stat. 46; July 16, 1952, ch. 879, § 3, 66 Stat. 711; Aug. 13, 1954, ch. 735, § 2, 68 Stat. 729; June 29, 1960, Pub. L. 86-533, § 1(24), 74 Stat. 249; July 12, 1960, Pub. L. 86-619, § 2, 74 Stat. 407; Sept. 13, 1960, Pub. L. 86-752, § 2, 74 Stat. 889; Aug. 13, 1981, Pub. L. 97-35, title XII, § 1251(b), 95 Stat. 738; Sept. 8, 1982, Pub. L. 97-253, title V, § 501(b)(1)-(3), 96 Stat. 805, 806; Sept. 13, 1982, Pub. L. 97-259, title I, §§ 102-104, 96 Stat. 1087-1089; Dec. 8, 1983, Pub. L. 98-214, §§ 10, 11, 97 Stat. 1471.)

REFERENCES IN TEXT

Provisions of part III of title 5, referred to in subsec. (f)(4)(F), are classified to section 2101 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

In subsec. (f)(4)(F), "section 1342 of title 31" was substituted for "section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1983—Subsec. (f)(4)(E) to (I). Pub. L. 98-214, § 10, added subpar. (E) and redesignated existing subpars. (E) to (H) as (F) to (I), respectively.

Subsec. (f)(4)(J). Pub. L. 98-214, § 11, added subpar. (J).

1982—Subsec. (a). Pub. L. 97-253, § 501(b)(1), substituted "five" for "seven".

Subsec. (b). Pub. L. 97-259, § 102, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this chapter, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this chapter. Such commissioners shall not engage in any other business, vocation, profession, or employment. Any such commissioner serving as such after one year from July 16, 1952, shall not for a period of one year following the termination of his services as a commissioner represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any commissioner who has served the full term for which he was appointed. Not more than four members of the Commission shall be members of the same political party."

Pub. L. 97-253, § 501(b)(2), amended last sentence of subsec. (b), prior to the general amendment by Pub. L. 97-259, by substituting language identical to that contained in par. (5), as added by Pub. L. 97-259.

Subsec. (h). Pub. L. 97-253, § 501(b)(3), substituted "Three" for "Four".

EFFECTIVE DATE OF 1982 AMENDMENT

Section 501(b)(4) of Pub. L. 97-253 provided that: "The amendments made in paragraphs (1), (2), and (3) of this subsection [amending subsecs. (a), (b), and (h) of this section] shall take effect on July 1, 1983."

§ 156. Authorization of appropriations

There are authorized to be appropriated for the administration of this chapter by the Commission $91,156,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1984 and 1985.

(As amended Dec. 8, 1983, Pub. L. 98-214, § 2(a), 97 Stat. 1467.)

AMENDMENTS

1983—Pub. L. 98-214 substituted provisions authorizing appropriations of $91,156,000 for each of the fiscal years 1984 and 1985 for provisions authorizing appropriations of $76,900,000 for each of the fiscal years 1982 and 1983.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2(b) of Pub. L. 98-214 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning after September 30, 1983."

§ 157. New technologies and services

(a) It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this chapter shall have the burden to demonstrate that such proposal is inconsistent with the public interest.

(b) The Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within one year after such petition or application is filed or twelve months after December 8, 1983, if later. If the Commission initiates its own proceeding for a new technology or service, such proceeding shall be completed within 12 months after it is initiated or twelve months after December 8, 1983, if later.

(June 19, 1934, ch. 652, title I, § 7, as added Dec. 8, 1983, Pub. L. 98-214, § 12, 97 Stat. 1471.)

SUBCHAPTER II—COMMON CARRIERS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 153, 503, 504, 522, 533, 541, 741, 753 of this title.

§ 223. Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications

(a) Whoever—

(1) in the District of Columbia or in interstate or foreign communication by means of telephone—

(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent;

(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

(2) knowingly permits any telephone facility under his control to be used for any purpose prohibited by this section,

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(b)(1) Whoever knowingly—

(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene or indecent communication for commercial purposes to any person under eighteen years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(2) It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons eighteen years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

(3) In addition to the penalties under paragraph (1), whoever, in the District of Columbia or in interstate or foreign communication, intentionally violates paragraph (1)(A) or (1)(B) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(4)(A) In addition to the penalties under paragraphs (1) and (3), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(B) A fine under this paragraph may be assessed either—

(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

(ii) by the Commission after appropriate administrative proceedings.

(5) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1)(A) or (1)(B). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

(As amended Dec. 8, 1983, Pub. L. 98-214, § 8(a), (b), 97 Stat. 1469, 1470.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b)(5), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-214, § 8(a)(1), (2), designated existing provisions as subsec. (a), and in subsec. (a), as so designated, substituted "$50,000" for "$500" in provisions after par. (2).

Subsec. (a)(2). Pub. L. 98-214, § 8(b), inserted "facility" after "telephone".

Subsec. (b). Pub. L. 98-214, § 8(a)(3), added subsec. (b).

REGULATIONS; DISPOSITION OF COMPLAINTS PENDING ON DECEMBER 8, 1983

Section 8(c), (d) of Pub. L. 98-214 provided that:

"(c) The Federal Communications Commission shall issue regulations pursuant to section 223(b)(2) of the Communications Act of 1934 (as added by subsection (a) of this section) [subsec. (b)(2) of this section] not later than one hundred and eighty days after the date of the enactment of this Act [Dec. 8, 1983].

"(d) The Commission shall act on all complaints alleging violation of section 223 of the Communications Act of 1934 [this section] which are pending on the date of the enactment of this Act [Dec. 8, 1983] within ninety days of such date of enactment."

§ 224. Pole attachments

[See main edition for text of (a) and (b)]

(c) State regulatory authority over rates, terms, and conditions; preemption; certification; circumstances constituting State regulation

[*See main edition for text of (1) and (2)*]

(3) For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments—

(A) unless the State has issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments; and

(B) with respect to any individual matter, unless the State takes final action on a complaint regarding such matter—

(i) within 180 days after the complaint is filed with the State, or

(ii) within the applicable period prescribed for such final action in such rules and regulations of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

[*See main edition for text of (d)*]

(As amended Oct. 30, 1984, Pub. L. 98-549, § 4, 98 Stat. 2801.)

AMENDMENTS

1984—Subsec. (c)(3). Pub. L. 98-549 added par. (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SUBCHAPTER III—SPECIAL PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

§ 303. Powers and duties of Commission

DIRECTION ON USE OF FUNDS REGARDING SPECTRUM ALLOCATION AND ASSIGNMENTS FOR PUBLIC SAFETY PURPOSES

Pub. L. 98-214, § 9, Dec. 8, 1983, 97 Stat. 1470, provided that:

"(a) Funds authorized to be appropriated under section 2 of this Act [amending section 156 of this title] shall be used by the Federal Communications Commission to establish a plan which adequately ensures that the needs of State and local public safety authorities would be taken into account in making allocations of the electromagnetic spectrum. In establishing such a plan the Commission shall (1) review the current and future needs of such public safety authorities in light of suitable and commercially available equipment and (2) consider the need for a nationwide contiguous frequency allocation for public safety purposes.

"(b) Pending adoption of a plan, the Commission, while making assignments and allocations, shall duly recognize the needs of State and local public safety authorities."

CROSS REFERENCES

Radiotelegraph operators licensed as ship's officers, see section 7101 et seq. of Title 46, Shipping.

§ 305. Government owned stations

EX. ORD. NO. 12046. TRANSFER OF TELECOMMUNICATIONS FUNCTIONS

Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, as amended by Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239; Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)) [set out in the Appendix to Title 5, Government Organization and Employees], the authority and control vested in the President by Section 2 of Executive Order No. 11556, as amended, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [31 U.S.C. 1531], and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the transfer of certain telecommunications functions, it is hereby ordered as follows:

[*See main edition for text of Section 1*]

SECTION 2

FUNCTIONS TRANSFERRED TO COMMERCE

[*See main edition for text of 2-1 to 2-3*]

2-4. OTHER TELECOMMUNICATIONS FUNCTIONS

Certain functions assigned, subject to the authority and control of the President to the Director of the Office of Telecommunications Policy by Section 2 of Executive Order No. 11556 were transferred to the Secretary of Commerce. These functions, subject to the authority and control of the President, are set forth in the following subsections.

[*See main edition for text of 2-401 to 2-410*]

2-411. The Secretary of Commerce shall coordinate Federal telecommunications assistance to State and local governments, except as otherwise provided by Executive Order No. 12472 [set out as a note under section 2251 of the Appendix to Title 50, War and National Defense].

[*See main edition for text of 2-412 and 2-413*]

2-414. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

[*See main edition for text of 2-5; Section 3*]

SECTION 4

FUNCTIONS ASSIGNED TO THE NATIONAL SECURITY COUNCIL AND THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4-1. EMERGENCY FUNCTIONS

[*See main edition for text of 4-101*]

4-102. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

4-103. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

4-2. NATIONAL COMMUNICATIONS SYSTEM

[*See main edition for text of 4-201*]

4-202. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

4-3. PLANNING FUNCTIONS

[*See main edition for text of 4-301*]

4-302. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

SECTION 5

Related Telecommunications Functions

[See main edition for text of 5-1 and 5-2]

5-3. Federal Emergency Management Agency [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

SECTION 6

General Provisions

6-1. Transfer Provisions

6-101. [Revoked. Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471.]

[See main edition for text of 6-102 to 6-104; 6-2 and 6-3]

§ 307. Licenses

Section Referred to in Other Sections

This section is referred to in sections 303, 331, 503 of this title.

§ 309. Application for license

[See main edition for text of (a) *to* (g)*]*

(h) Form and conditions of station licenses

Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this chapter; (3) every license issued under this chapter shall be subject in terms to the right of use or control conferred by section 606 of this title.

[See main edition for text of (i)*]*

(As amended Oct. 30, 1984, Pub. L. 98-549, § 6(b)(1), 98 Stat. 2804.)

Amendments

1984—Subsec. (h). Pub. L. 98-549 substituted "section 706" for "section 606" in the original to accommodate renumbering of sections in subchapter VI (section 601 et seq.) of this chapter by section 6(a) of Pub. L. 98-549. Because both sections translate as "section 606 of this title", the amendment by section 6(b)(1) of Pub. L. 98-549 resulted in no change in text.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

Section Referred to in Other Sections

This section is referred to in sections 311, 316, 319, 325, 533, 554 of this title.

§ 310. License ownership restrictions

[See main edition for text of (a) *to* (d)*]*

(e) Administration of regional concentration rules for broadcast stations

(1) In the case of any broadcast station, and any ownership interest therein, which is excluded from the regional concentration rules by reason of the savings provision for existing facilities provided by the First Report and Order adopted March 9, 1977 (docket No. 20548; 42 Fed. Reg. 16145), the exclusion shall not terminate solely by reason of changes made in the technical facilities of the station to improve its service.

(2) For purposes of this subsection, the term "regional concentration rules" means the provisions of sections 73.35, 73.240, and 73.636 of title 47, Code of Federal Regulations (as in effect June 1, 1983), which prohibit any party from directly or indirectly owning, operating, or controlling three broadcast stations in one or several services where any two of such stations are within 100 miles of the third (measured city-to-city), and where there is a primary service contour overlap of any of the stations.

(As amended Dec. 8, 1983, Pub. L. 98-214, § 7, 97 Stat. 1469.)

Amendments

1983—Subsec. (e). Pub. L. 98-214 added subsec. (e).

§ 316. Modification by Commission of station licenses or construction permits; burden of proof

(a)(1) Any station license or construction permit may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this chapter or of any treaty ratified by the United States will be more fully complied with. No such order of modification shall become final until the holder of the license or permit shall have been notified in writing of the proposed action and the grounds and reasons therefor, and shall be given reasonable opportunity, of at least thirty days, to protest such proposed order of modification; except that, where safety of life or property is involved, the Commission may by order provide, for a shorter period of notice.

(2) Any other licensee or permittee who believes its license or permit would be modified by the proposed action may also protest the proposed action before its effective date.

(3) A protest filed pursuant to this subsection shall be subject to the requirements of section 309 of this title for petitions to deny.

(b) In any case where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; except that, with respect to any issue that addresses the question of whether the proposed action would modify the license or permit of a person described in subsection (a)(2) of this section, such burdens shall be as determined by the Commission.

(As amended Dec. 8, 1983, Pub. L. 98-214, § 4(a), 97 Stat. 1467.)

AMENDMENTS

1983—Subsec. (a)(1). Pub. L. 98-214, § 4(a)(1), designated existing provisions as par. (1) and in par. (1) as so designated substituted "and shall be given reasonable opportunity, of at least thirty days, to protest such proposed order of modification; except that, where safety of life or property is involved, the Commission may by order provide, for a shorter period of notice" for "and shall have been given reasonable opportunity, in no event less than thirty days, to show cause by public hearing, if requested, why such order of modification should not issue: *Provided*, That where safety of life or property is involved, the Commission may by order provide for a shorter period of notice".

Subsec. (a)(2), (3). Pub. L. 98-214, § 4(a)(2), added pars. (2) and (3).

Subsec. (b). Pub. L. 98-214, § 4(a)(3), inserted "; except that, with respect to any issue that addresses the question of whether the proposed action would modify the license or permit of a person described in subsection (a)(2) of this section, such burdens shall be as determined by the Commission".

§ 318. Transmitting apparatus; operator's license

CROSS REFERENCES

Radiotelegraph operators licensed as ship's officers, see section 7101 et seq. of Title 46, Shipping.

PART IV—ASSISTANCE FOR PLANNING AND CONSTRUCTION OF PUBLIC TELECOMMUNICATIONS FACILITIES; TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION FOR PUBLIC BROADCASTING; GENERAL PROVISIONS

SUBPART A—ASSISTANCE FOR PLANNING AND CONSTRUCTION OF PUBLIC TELECOMMUNICATIONS FACILITIES

§ 393. Criteria for approval and expenditures by Secretary

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 392 of this title.

SUBPART C—CORPORATION FOR PUBLIC BROADCASTING

§ 396. Corporation for Public Broadcasting

[*See main edition for text of* (*a*) *and* (*b*)]

(c) Board of Directors; functions, duties, etc.

(1) The Corporation for Public Broadcasting shall have a Board of Directors (hereinafter in this section referred to as the "Board"), consisting of 10 members appointed by the President, by and with the advice and consent of the Senate. No more than 6 members of the Board appointed by the President may be members of the same political party.

[*See main edition for text of* (2) *to* (7)]

(d) Election of Chairman and Vice Chairman; compensation of Board members

(1) Members of the Board shall annually elect one of their members to be Chairman and elect one or more of their members as a Vice Chairman or Vice Chairmen.

[*See main edition for text of* (2)]

(e) Officers and employees; term of office, compensation, qualifications, and removal; political party affiliation, political test or qualification when taking personnel actions

(1) The Corporation shall have a President, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No officer or employee of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation from any source other than the Corporation for services rendered during the period of his employment by the Corporation. All officers shall serve at the pleasure of the Board.

[*See main edition for text of* (2); (*f*) *to* (*j*)]

(k) Financing restrictions

(1) [*See main edition for text of* (*A*) *and* (*B*)]

(C) There is authorized to be appropriated to the Fund, for each of the fiscal years 1981, 1982, 1983, 1984, 1985, and 1986, an amount equal to 50 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed $180,000,000 for fiscal year 1981, $200,000,000 for fiscal year 1982, $220,000,000 for fiscal year 1983, $145,000,000 for fiscal year 1984, $153,000,000 for fiscal year 1985, and $162,000,000 for fiscal year 1986.

[*See main edition for text of* (*D*), (*2*)]

(3)(A)(i) The Corporation shall establish an annual budget for use in allocating amounts from the Fund. Of the amounts appropriated into the Fund available for allocation for any fiscal year—

(I) not more than 5 percent of such amounts shall be available for the administrative expenses of the Corporation;

(II) not less than 5 percent of such amounts shall be available for other expenses incurred by the Corporation, including research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness, capital costs relating to telecommunications satellites, the payment of programming royalties and other fees, and the costs of interconnection facilities and operations (as provided in clause (iv)(I)), except that the total amount available for obligation for any fiscal year under this subclause and subclause (I) shall not exceed 10 percent of the amounts appropriated into the Fund available for allocation for such fiscal year;

(III) 75 percent of the remainder (after allocations are made under subclause (I) and subclause (II)) shall be allocated in accordance with clause (ii)(I); and

(IV) 25 percent of such remainder shall be allocated in accordance with clause (iii).

(ii) Of the amounts allocated under clause (i)(III) for any fiscal year—

(I) 75 percent of such amounts shall be available for distribution among the licensees and permittees of public television stations pursuant to paragraph (6)(B); and

(II) 25 percent of such amounts shall be available for distribution under subparagraph (B)(i) for public television programming.

(iii) Of the amounts allocated under clause (i)(IV) for any fiscal year—

(I) not less than 50 percent of such amounts (as determined under paragraph (6)(A)) shall be available for distribution among the licensees and permittees of public radio stations pursuant to paragraph (6)(B); and

(II) not more than 50 percent of such amounts (as determined under paragraph (6)(A)) shall be available for distribution under subparagraph (B)(i) for public radio.

(iv)(I) Subject to the provisions of clause (v), the Corporation shall defray an amount equal to 50 percent of the total costs of interconnection facilities and operations to facilitate the availability of public television and radio programs among public broadcast stations.

(II) Of the amounts received as the result of any contract, lease agreement, or any other arrangement under which the Corporation directly or indirectly makes available interconnection facilities, 50 percent of such amounts shall be distributed to the licensees and permittees of public television stations and public radio stations. The Corporation shall not have any authority to establish any requirements, guidelines, or limitations with respect to the use of such amounts by such licensees and permittees.

(v) If the expenses incurred by the Corporation under clause (i)(II) for any fiscal year for—

(I) capital costs relating to telecommunications satellites;

(II) the payment of programming royalties and other fees; and

(III) the costs of interconnection facilities and operations (as provided in clause (iv));

exceed 6 percent of the amounts appropriated into the Fund available for allocation for such fiscal year, then 75 percent of such excess costs shall be defrayed by the licensees and permittees of public television stations from amounts available to such licensees and permittees under clause (ii)(I) and 25 percent of such excess costs shall be defrayed by the licensees and permittees of public radio stations from amounts available to such licensees and permittees under clause (iii)(I).

(B)(i) The Corporation shall utilize the funds allocated pursuant to subparagraph (A)(ii)(II) and subparagraph (A)(iii)(II), and a significant portion of such other funds as may be available to the Corporation, to make grants and contracts for production of public television or radio programs by independent producers and production entities and public telecommunications entities, and for acquisition of such programs by public telecommunications entities. Of the funds utilized pursuant to this clause, a substantial amount shall be reserved for distribution to independent producers and production entities for the production of programs.

(ii) All funds available for distribution under clause (i) shall be distributed to entities outside the Corporation and shall not be used for the general administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation.

[See main edition for text of (C) and (D), (4) and (5)]

(6)(A) The Corporation, in consultation with public radio stations and with National Public Radio (or any successor organization), shall determine the percentage of funds allocated under subclause (I) and subclause (II) of paragraph (3)(A)(iii) for each fiscal year. The Corporation, in consultation with such organizations, also shall conduct an annual review of the criteria and conditions applicable to such allocations.

(B) The Corporation shall make a basic grant from the portion reserved for television stations under paragraph (3)(A)(ii)(I) to each licensee and permittee of a public television station that is on the air. The balance of the portion reserved for television stations and the total portion reserved for radio stations under paragraph (3)(A)(iii)(I) shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in public broadcasting, and on the basis of a formula designed to—

(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

(iii) assure that each eligible licensee and permittee of a public radio station receives a basic grant.

[See main edition for text of (7) to (9)]

(10) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization) unless assurances are provided to the Corporation that no officer or employee of the Public Broadcasting Service or National Public Radio (or any successor organization), as the case may be, will be compensated at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, and unless further assurances are provided to the Corporation that no officer or employee of such an entity will be loaned money by that entity on an interest-free basis.

(*l*) Financial management and records

[See main edition for text of (1) to (3)]

(4)(A) Subject to subparagraph (C), the Corporation may not distribute to National Public

Radio any funds authorized to be appropriated by this chapter unless there is in effect a determination by the Corporation that—

(i) National Public Radio has adopted and is implementing a system of financial controls and procedures devised in consultation with, and recommended by, an independent certified public accountant and determined by the Comptroller General as sufficient to assure that the financial transactions of National Public Radio reflect prudent management practices and are accounted for in a manner consistent with generally accepted accounting principles;

(ii) National Public Radio has adopted a budget under which reasonably projected expenditures will not exceed reasonably projected revenues from all sources for any fiscal year in which such funds are distributed to National Public Radio; and

(iii) financial reporting systems of National Public Radio provide the Corporation with continuous access to all financial books and records of National Public Radio.

(B) Not later than fifteen days after December 8, 1983, the Corporation shall report to the appropriate committees of the Congress on actions taken by National Public Radio to meet the conditions described in subparagraph (A) and on actions taken by the Corporation with respect to the indebtedness of National Public Radio related to deficits accumulated before October 1, 1983. The Corporation shall certify to such committees when such conditions have been met.

(C) The requirements of subparagraphs (A) and (B) shall cease to be effective on and after the date on which the Corporation certifies to the appropriate committees of Congress that all indebtedness of National Public Radio related to deficits accumulated before October 1, 1983, has been liquidated in full.

(June 19, 1934, ch. 652, title III, § 396, as added Nov. 7, 1967, Pub. L. 90-129, title II, § 201(9), 81 Stat. 368, and amended Apr. 26, 1968, Pub. L. 90-294, 82 Stat. 108; Oct. 27, 1969, Pub. L. 91-97, § 3, 83 Stat. 146; Oct. 7, 1970, Pub. L. 91-437, § 2, 84 Stat. 888; Aug. 29, 1972, Pub. L. 92-411, § 1, 86 Stat. 643; Aug. 6, 1973, Pub. L. 93-84, § 1(a), (b), 87 Stat. 219; Dec. 31, 1975, Pub. L. 94-192, §§ 2-4, 89 Stat. 1099, 1100; Nov. 2, 1978, Pub. L. 95-567, title III, §§ 301-303(a), 304-307(a), 308, 92 Stat. 2411, 2412, 2414, 2415, 2419; Aug. 13, 1981, Pub. L. 97-35, title XII, §§ 1224, 1225(a)(1), (b), (c), 1226, 1227(a)-(c)(3), (d)(1), (2), (e)-(g), 1228, 1234(a), 95 Stat. 725-730, 736; Dec. 8, 1983, Pub. L. 98-214, §§ 3, 5, 6, 97 Stat. 1467-1469.)

AMENDMENTS

1983—Subsec. (c)(1). Pub. L. 98-214, § 6(a), struck out ", and the President of the Corporation" after "advice and consent of the Senate" and provision directing that the President of the Corporation serve as the Chairman of the Board.

Subsec. (d)(1). Pub. L. 98-214, § 6(b)(1), inserted "elect one of their members to be Chairman and" after "Members of the Board shall annually".

Subsec. (e)(1). Pub. L. 98-214, § 6(c), substituted "No officer of the Corporation, other than the Chairman or a Vice Chairman" for "No officer of the Corporation, other than a Vice Chairman".

Subsec. (k)(1)(C). Pub. L. 98-214, § 3(a), substituted ", $145,000,000 for fiscal year 1984, $153,000,000 for fiscal year 1985, and $162,000,000 for fiscal year 1986" for ", and $130,000,000 for each of the fiscal years 1984, 1985, and 1986".

Subsec. (k)(10). Pub. L. 98-214, § 3(b), added provision requiring assurances that no officer or employee of such entity will be loaned money by that entity on an interest-free basis.

Subsec. (*l*)(4). Pub. L. 98-214, § 5, added par. (4).

1981—Subsec. (k)(3)(A). Pub. L. 97-35, § 1227(c)(1), amended subpar. (A) generally, substituting provisions mandating the establishment by the Corporation of an annual budget for use in allocating amounts from the Fund, setting out the allocation and distribution formulae, and providing for interconnecting facilities and operations costs for making public television and radio programs available to public broadcast stations for former provisions which had directed the Corporation to reserve for distribution among the licensees and permitees of public television and radio stations an amount equal to (i) not less than 40 percent of the funds disbursed by the Corporation from the Fund under this section in each fiscal year in which the amount disbursed was $88,000,000 or more, but less than $121,000,000; (ii) not less than 45 percent of such funds in each fiscal year in which the amount disbursed was $121,000,000 or more, but less than $160,000,000; and (iii) not less than 50 percent of such funds in each fiscal year in which the amount disbursed was $160,000,000 or more.

Subsec. (k)(3)(B)(i). Pub. L. 97-35, § 1227(c)(2), amended cl. (i) generally, substituting "The Corporation shall utilize the funds allocated pursuant to subparagraph (A)(ii)(II) and subparagraph (A)(iii)(II), and a significant portion of such other funds as may be available to the Corporation, to make grants and contracts for production of public television or radio programs by independent producers and production entities and public telecommunications entities, and for acquisition of such programs by public telecommunications entities. Of the funds utilized pursuant to this clause, a substantial amount shall be reserved for distribution to independent producers and production entities for the production of programs" for "The Corporation shall establish an annual budget according to which it shall made grants and contracts for production of public television or radio programs by independent producers and production entities and public telecommunications entities, for acquisition of such programs by public telecommunications entities, for interconnection facilities and operations, for distribution of funds among public telecommunications entities, and for engineering and program-related research. A significant portion of funds available under the budget established by the Corporation under this subparagraph shall be used for funding the production of television and radio programs. Of such portion, a substantial amount shall be reserved for distribution to independent producers and production entities for the production of programs".

Subsec. (k)(3)(B)(ii). Pub. L. 97-35, § 1227(c)(3)(A), amended cl. (ii) generally, substituting "available for distribution under clause (i)" for "contained in the annual budget established by the Corporation under clause (i)".

Subsec. (k)(3)(B)(iii), (iv). Pub. L. 97-35, § 1227(c)(3)(B), struck out cls. (iii) and (iv) which had provided, respectively, that "During each of the fiscal years 1981, 1982, and 1983, the annual budget established by the Corporation under clause (i) shall consist of not less than 95 percent of the funds made available by the Secretary of the Treasury to the Corporation pursuant to paragraph (2)(A)" and that "In determining the amount of funds which shall be made available for radio programming and operations under this subparagraph, the Corporation shall take into account the increased financial needs relating to radio programming and operations resulting from the expansion and development of noncommercial radio broadcast station facilities through the use of funds made available pursuant to section 393(d) of this title".

Subsec. (k)(6)(A). Pub. L. 97-35, § 1227(d)(1), amended subpar. (A) generally, substituting "The Corporation, in consultation with public radio stations and with National Public Radio (or any successor organization), shall determine the percentage of funds allocated under subclause (I) and subclause (II) of paragraph (3)(A)(iii) for each fiscal year. The Corporation, in consultation with such organizations, also shall conduct an annual review of the criteria and conditions applicable to such allocations" for "The Corporation, in consultation with public television and radio licensees, shall review annually the percentage of funds reserved pursuant to paragraph (3)(A), and the criteria and conditions regarding the division and distribution of such funds among public television and radio stations".

Subsec. (k)(6)(B). Pub. L. 97-35, § 1227(d)(2), amended subpar. (B) generally, striking out provision that the funds reserved for public broadcast stations pursuant to paragraph (3)(A) be divided into two portions, one to be distributed among radio stations and one to be distributed among television stations in the provisions preceding cl. (i) and inserting "under paragraph (3)(A)(ii)(I)" and "under paragraph (3)(A)(iii)(I)".

Effective Date of 1981 Amendment

Section 1227(c)(4) of Pub. L. 97-35 provided that: "The amendments made in this subsection [amending subsec. (k)(3)(A), (B) of this section] shall apply to fiscal years beginning after September 30, 1983."

Section 1227(d)(3) of Pub. L. 97-35 provided that: "The amendments made in this subsection [amending subsec. (k)(6) of this section] shall apply to fiscal years beginning after September 30, 1983."

SUBPART D—GENERAL PROVISIONS

§ 397. Definitions

Section Referred to in Other Sections

This section is referred to in title 17 sections 110, 111, 114, 118; title 20 sections 3913, 3914.

SUBCHAPTER IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

§ 402. Judicial review of Commission's orders and decisions

[*See main edition for text of* (*a*) *to* (*f*)]

(g) Time of hearing; procedure

The court shall hear and determine the appeal upon the record before it in the manner prescribed by section 706 of title 5.

[*See main edition for text of* (*h*) *to* (*j*)]

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(50), 98 Stat. 3361.)

Amendments

1984—Subsec. (g). Pub. L. 98-620 substituted "The" for "At the earliest convenient time the" and "706 of title 5" for "10(e) of the Administrative Procedure Act [former 5 U.S.C. 1009(e)]".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER V—PENAL PROVISIONS; FORFEITURES

§ 503. Forfeitures

[*See main edition for text of* (*a*)]

(b) Activities constituting violations authorizing imposition of forfeiture penalty; amount of penalty; procedures applicable; persons subject to penalty; liability exemption period

[*See main edition for text of* (*1*) *to* (*4*)]

(5) No forfeiture liability shall be determined under this subsection against any person, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission, unless, prior to the notice required by paragraph (3) of this subsection or the notice of apparent liability required by paragraph (4) of this subsection, such person (A) is sent a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission which is nearest to such person's place of residence; and (C) subsequently engages in conduct of the type described in such citation. The provisions of this paragraph shall not apply, however, if the person involved is engaging in activities for which a license, permit, certificate, or other authorization is required, or is a cable television system operator or if the person involved is transmitting on frequencies assigned for use in a service in which individual station operation is authorized by rule pursuant to section 307(e) of this title. Whenever the requirements of this paragraph are satisfied with respect to a particular person, such person shall not be entitled to receive any additional citation of the violation charged, with respect to any conduct of the type described in the citation sent under this paragraph.

[*See main edition for text of* (*6*)]

(As amended Dec. 8, 1983, Pub. L. 98-214, § 4(b), 97 Stat. 1468.)

Amendments

1983—Subsec. (b)(5). Pub. L. 98-214 inserted "or if the person involved is transmitting on frequencies assigned for use in a service in which individual station operation is authorized by rule pursuant to section 307(e) of this title".

Section Referred to in Other Sections

This section is referred to in sections 504, 554 of this title.

SUBCHAPTER V-A—CABLE COMMUNICATIONS

Subchapter Referred to in Other Sections

This subchapter is referred to in section 152 of this title.

Part I—General Provisions

§ 521. Purposes

The purposes of this subchapter are to—

(1) establish a national policy concerning cable communications;

(2) establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community;

(3) establish guidelines for the exercise of Federal, State, and local authority with respect to the regulation of cable systems;

(4) assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public;

(5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this subchapter; and

(6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.

(June 19, 1934, ch. 652, title VI, § 601, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2780.)

EFFECTIVE DATE

Section 9(a) of Pub. L. 98-549 provided that: "Except where otherwise expressly provided, the provisions of this Act [enacting this subchapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this tilte, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under sections 521, 543, 605, and 609 of this title] and the amendments made thereby shall take effect 60 days after the date of enactment of this Act [Oct. 30, 1984]."

SHORT TITLE

For short title of Pub. L. 98-549 [enacting this subchapter] as the "Cable Communications Policy Act of 1984", see section 1(a) of Pub. L. 98-549, set out as a Short Title of 1984 Amendment note under section 609 of this title.

EFFECT OF CABLE COMMUNICATIONS POLICY ACT OF 1984 ON JURISDICTION OF FEDERAL COMMUNICATIONS COMMISSION RESPECTING WIRE OR RADIO COMMUNICATIONS THROUGH CABLE SYSTEMS

Section 3(b) of Pub. L. 98-549 provided that: "The provisions of this Act [enacting this subchapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this title, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under sections 521, 543, 605, and 609 of this title] and amendments made by this Act shall not be construed to affect any jurisdiction the Federal Communications Commission may have under the Communications Act of 1934 [this chapter] with respect to any communication by wire or radio (other than cable service, as defined in section 602(5) of such Act [section 522(5) of this title]) which is provided through a cable system, or persons or facilities engaged in such communications."

§ 522. Definitions

For purposes of this subchapter—

(1) the term "affiliate", when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;

(2) the term "basic cable service" means any service tier which includes the retransmission of local television broadcast signals;

(3) the term "cable channel" or "channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation);

(4) the term "cable operator" means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

(5) the term "cable service" means—

(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and

(B) subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(6) the term "cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II of this chapter, except that such facility shall be considered a cable system (other than for purposes of section 541(c) of this title) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility system;

(7) the term "Federal agency" means any agency of the United States, including the Commission;

(8) the term "franchise" means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to section 546 of this title), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system;

(9) the term "franchising authority" means any governmental entity empowered by Federal, State, or local law to grant a franchise;

(10) the term "grade B contour" means the field strength of a television broadcast station

computed in accordance with regulations promulgated by the Commission;

(11) the term "other programming service" means information that a cable operator makes available to all subscribers generally;

(12) the term "person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity;

(13) the term "public, educational, or governmental access facilities" means—

(A) channel capacity designated for public, educational, or governmental use; and

(B) facilities and equipment for the use of such channel capacity;

(14) the term "service tier" means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator;

(15) the term "State" means any State, or political subdivision, or agency thereof; and

(16) the term "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

(June 19, 1934, ch. 652, title VI, § 602, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2780.)

Effective Date

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

Section Referred to in Other Sections

This section is referred to in section 554 of this title.

Part II—Use of Cable Channels and Cable Ownership Restrictions

§ 531. Cable channels for public, educational, or governmental use

(a) Authority to establish requirements with respect to designation or use of channel capacity

A franchising authority may establish requirements in a franchise with respect to the designation or use of channel capacity for public, educational, or governmental use only to the extent provided in this section.

(b) Authority to require designation for public, educational, or governmental use

A franchising authority may in its request for proposals require as part of a franchise, and may require as part of a cable operator's proposal for a franchise renewal, subject to section 546 of this title, that channel capacity be designated for public, educational, or governmental use, and channel capacity on institutional networks be designated for educational or governmental use, and may require rules and procedures for the use of the channel capacity designated pursuant to this section.

(c) Enforcement authority

A franchising authority may enforce any requirement in any franchise regarding the providing or use of such channel capacity. Such enforcement authority includes the authority to enforce any provisions of the franchise for services, facilities, or equipment proposed by the cable operator which relate to public, educational, or governmental use of channel capacity, whether or not required by the franchising authority pursuant to subsection (b) of this section.

(d) Promulgation of rules and procedures

In the case of any franchise under which channel capacity is designated under subsection (b) of this section, the franchising authority shall prescribe—

(1) rules and procedures under which the cable operator is permitted to use such channel capacity for the provision of other services if such channel capacity is not being used for the purposes designated, and

(2) rules and procedures under which such permitted use shall cease.

(e) Editorial control by cable operator

Subject to section 544(d) of this title, a cable operator shall not exercise any editorial control over any public, educational, or governmental use of channel capacity provided pursuant to this section.

(f) "Institutional network" defined

For purposes of this section, the term "institutional network" means a communication network which is constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers.

(June 19, 1934, ch. 652, title VI, § 611, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2782.)

Effective Date

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

Section Referred to in Other Sections

This section is referred to in section 532 of this title.

§ 532. Cable channels for commercial use

(a) Purpose

The purpose of this section is to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with growth and development of cable systems.

(b) Designation of channel capacity for commercial use

(1) A cable operator shall designate channel capacity for commercial use by persons unaffiliated with the operator in accordance with the following requirements:

(A) An operator of any cable system with 36 or more (but not more than 54) activated channels shall designate 10 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

(B) An operator of any cable system with 55 or more (but not more than 100) activated channels shall designate 15 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

(C) An operator of any cable system with more than 100 activated channels shall designate 15 percent of all such channels.

(D) An operator of any cable system with fewer than 36 activated channels shall not be required to designate channel capacity for commercial use by persons unaffiliated with the operator, unless the cable system is required to provide such channel capacity under the terms of a franchise in effect on October 30, 1984.

(E) An operator of any cable system in operation on October 30, 1984, shall not be required to remove any service actually being provided on July 1, 1984, in order to comply with this section, but shall make channel capacity available for commercial use as such capacity becomes available until such time as the cable operator is in full compliance with this section.

(2) Any Federal agency, State, or franchising authority may not require any cable system to designate channel capacity for commercial use by unaffiliated persons in excess of the capacity specified in paragraph (1), except as otherwise provided in this section.

(3) A cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal, subject to section 546 of this title, to designate channel capacity for any use (other than commercial use by unaffiliated persons under this section) except as provided in sections 531 and 557 of this title, but a cable operator may offer in a franchise, or proposal for renewal thereof, to provide, consistent with applicable law, such capacity for other than commercial use by such persons.

(4) A cable operator may use any unused channel capacity designated pursuant to this section until the use of such channel capacity is obtained, pursuant to a written agreement, by a person unaffiliated with the operator.

(5) For the purposes of this section—

(A) the term "activated channels" means those channels engineered at the headend of the cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use; and

(B) the term "commercial use" means the provision of video programming, whether or not for profit.

(6) Any channel capacity which has been designated for public, educational, or governmental use may not be considered as designated under this section for commercial use for purpose of this section.

(c) Use of channel capacity by unaffiliated persons; editorial control; restriction on service

(1) If a person unaffiliated with the cable operator seeks to use channel capacity designated pursuant to subsection (b) of this section for commercial use, the cable operator shall establish, consistent with the purpose of this section, the price, terms, and conditions of such use which are at least sufficient to assure that such use will not adversely affect the operation, financial condition, or market development of the cable system.

(2) A cable operator shall not exercise any editorial control over any video programming provided pursuant to this section, or in any other way consider the content of such programming, except that an operator may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person.

(3) Any cable system channel designated in accordance with this section shall not be used to provide a cable service that is being provided over such system on October 30, 1984, if the provision of such programming is intended to avoid the purpose of this section.

(d) Right of action in district court; relief; factors not to be considered by court

Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available for use pursuant to this section may bring an action in the district court of the United States for the judicial district in which the cable system is located to compel that such capacity be made available. If the court finds that the channel capacity sought by such person has not been made available in accordance with this section, or finds that the price, terms, or conditions established by the cable operator are unreasonable, the court may order such system to make available to such person the channel capacity sought, and further determine the appropriate price, terms, or conditions for such use consistent with subsection (c) of this section, and may award actual damages if it deems such relief appropriate. In any such action, the court shall not consider any price, term, or condition established between an operator and an affiliate for comparable services.

(e) Petition to Commission; relief

(1) Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available pursuant to this section may petition the Commission for relief under this subsection upon a showing of prior adjudicated violations of this section. Records of previous adjudications resulting in a court determination that the operator has violated this section shall be considered as sufficient for the showing necessary under this subsection. If the Commission finds that the channel capacity sought by such person has not been made available in accordance with this section, or that the price, terms, or conditions established by such system are unreasonable under subsection (c) of this section, the Commission shall, by rule or order, require such operator to make available such channel capacity under price, terms, and conditions consistent with subsection (c) of this section.

(2) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by an operator, the Commission may also establish any further rule or order necessary to assure that the operator provides the diversity of information sources required by this section.

(3) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by any person who is an operator of more than one cable system, the Commission may also establish any further rule or order necessary to assure that such person provides the diversity of information sources required by this section.

(f) Presumption of reasonableness and good faith

In any action brought under this section in any Federal district court or before the Commission, there shall be a presumption that the price, terms, and conditions for use of channel capacity designated pursuant to subsection (b) of this section are reasonable and in good faith unless shown by clear and convincing evidence to the contrary.

(g) Promulgation of rules

Notwithstanding sections 541(c) and 543(a) of this title, at such time as cable systems with 36 or more activated channels are available to 70 percent of households within the United States and are subscribed to by 70 percent of the households to which such systems are available, the Commission may promulgate any additional rules necessary to provide diversity of information sources. Any rules promulgated by the Commission pursuant to this subsection shall not preempt authority expressly granted to franchising authorities under this subchapter.

(h) Cable service unprotected by Constitution

Any cable service offered pursuant to this section shall not be provided, or shall be provided subject to conditions, if such cable service in the judgment of the franchising authority is obscene, or is in conflict with community standards in that it is lewd, lascivious, filthy, or indecent or is otherwise unprotected by the Constitution of the United States.

(June 19, 1934, ch. 652, title VI, § 612, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2782.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 558 of this title.

§ 533. Ownership restrictions

(a) Persons owning or controlling television station licensee

It shall be unlawful for any person to be a cable operator if such person, directly or through 1 or more affiliates, owns or controls, the licensee of a television broadcast station and the predicted grade B contour of such station covers any portion of the community served by such operator's cable system.

(b) Common carriers; direct video programming; exception; waiver

(1) It shall be unlawful for any common carrier, subject in whole or in part to subchapter II of this chapter, to provide video programming directly to subscribers in its telephone service area, either directly or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the common carrier.

(2) It shall be unlawful for any common carrier, subject in whole or in part to subchapter II of this chapter, to provide channels of communications or pole line conduit space, or other rental arrangements, to any entity which is directly or indirectly owned by, operated by, controlled by, or under common control with such common carrier, if such facilities or arrangements are to be used for, or in connection with, the provision of video programming directly to subscribers in the telephone service area of the common carrier.

(3) This subsection shall not apply to any common carrier to the extent such carrier provides telephone exchange service in any rural area (as defined by the Commission).

(4) In those areas where the provision of video programming directly to subscribers through a cable system demonstrably could not exist except through a cable system owned by, operated by, controlled by, or affiliated with the common carrier involved, or upon other showing of good cause, the Commission may, on petition for waiver, waive the applicability of paragraphs (1) and (2) of this subsection. Any such waiver shall be made in accordance with section 63.56 of title 47, Code of Federal Regulations (as in effect September 20, 1984) and shall be granted by the Commission upon a finding that the issuance of such waiver is justified by the particular circumstances demonstrated by the petitioner, taking into account the policy of this subsection.

(c) Promulgation of rules

The Commission may prescribe rules with respect to the ownership or control of cable systems by persons who own or control other media of mass communications which serve the same community served by a cable system.

(d) Regulation of ownership by States or franchising authorities

Any State or franchising authority may not prohibit the ownership or control of a cable system by any person because of such person's ownership or control of any media of mass communications or other media interests.

(e) Holding of ownership interests or exercise of editorial control by States or franchising authorities

(1) Subject to paragraph (2), a State or franchising authority may hold any ownership interest in any cable system.

(2) Any State or franchising authority shall not exercise any editorial control regarding the content of any cable service on a cable system in which such governmental entity holds ownership interest (other than programming on any channel designated for educational or governmental use), unless such control is exercised through an entity separate from the franchising authority.

(f) Combination of interests under prior law

This section shall not apply to prohibit any combination of any interests held by any person on July 1, 1984, to the extent of the interests so held as of such date, if the holding of such interests was not inconsistent with any applicable Federal or State law or regulations in effect on that date.

(g) "Media of mass communications" defined

For purposes of this section, the term "media of mass communications" shall have the meaning given such term under section 309(i)(3)(C)(i) of this title.

(June 19, 1934, ch. 652, title VI, § 613, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2785.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

PART III—FRANCHISING AND REGULATION

§ 541. General franchise requirements

(a) Authority to award franchises; public rights-of-way and easements; equal access to service

(1) A franchising authority may award, in accordance with the provisions of this subchapter, 1 or more franchises within its jurisdiction.

(2) Any franchise shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure—

(A) that the safety, functioning, and appearance of the property and the convenience and safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

(B) that the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both; and

(C) that the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation, or removal of such facilities by the cable operator.

(3) In awarding a franchise or franchises, a franchising authority shall assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

(b) No cable service without franchise; exception under prior law

(1) Except to the extent provided in paragraph (2), a cable operator may not provide cable service without a franchise.

(2) Paragraph (1) shall not require any person lawfully providing cable service without a franchise on July 1, 1984, to obtain a franchise unless the franchising authority so requires.

(c) Status of cable system as common carrier or utility

Any cable system shall not be subject to regulation as a common carrier or utility by reason of providing any cable service.

(d) Informational tariffs; regulation by States; "State" defined

(1) A State or the Commission may require the filing of informational tariffs for any intrastate communications service provided by a cable system, other than cable service, that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to subchapter II of this chapter. Such informational tariffs shall specify the rates, terms, and conditions for the provision of such service, including whether it is made available to all subscribers generally, and shall take effect on the date specified therein.

(2) Nothing in this subchapter shall be construed to affect the authority of any State to regulate any cable operator to the extent that such operator provides any communication service other than cable service, whether offered on a common carrier or private contract basis.

(3) For purposes of this subsection, the term "State" has the meaning given it in section 153(v) of this title.

(e) State regulation of facilities serving subscribers in multiple dwelling units

Nothing in this subchapter shall be construed to affect the authority of any State to license or otherwise regulate any facility or combination of facilities which serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management and which does not use any public right-of-way.

(June 19, 1934, ch. 652, title VI, § 621, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2786.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 522, 532 of this title.

§ 542. Franchise fees

(a) Payment under terms of franchise

Subject to the limitation of subsection (b) of this section, any cable operator may be required under the terms of any franchise to pay a franchise fee.

(b) Amount of fees per annum

For any twelve-month period, the franchise fees paid by a cable operator with respect to any cable system shall not exceed 5 percent of such cable operator's gross revenues derived in such period from the operation of the cable system. For purposes of this section, the 12-month period shall be the 12-month period applicable under the franchise for accounting purposes. Nothing in this subsection shall prohibit a franchising authority and a cable operator from agreeing that franchise fees which lawfully could be collected for any such 12-month period shall be paid on a prepaid or deferred basis; except that the sum of the fees paid during the term of the franchise may not exceed the amount, including the time value of money, which would have lawfully been collected if such fees had been paid per annum.

(c) Increases passed through to subscribers

A cable operator may pass through to subscribers the amount of any increase in a franchise fee, unless the franchising authority demonstrates that the rate structure specified in the franchise reflects all costs of franchise fees and so notifies the cable operator in writing.

(d) Court actions; reflection of costs in rate structures

In any court action under subsection (c) of this section, the franchising authority shall demonstrate that the rate structure reflects all costs of the franchise fees.

(e) Decreases passed through to subscribers

Any cable operator shall pass through to subscribers the amount of any decrease in a franchise fee.

(f) Itemization of franchise fee in bill

A cable operator may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the bill.

(g) "Franchise fee" defined

For the purposes of this section—

(1) the term "franchise fee" includes any tax, fee, or assessment of any kind imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such;

(2) the term "franchise fee" does not include—

(A) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable subscribers);

(B) in the case of any franchise in effect on October 30, 1984, payments which are required by the franchise to be made by the cable operator during the term of such franchise for, or in support of the use of, public, educational, or governmental access facilities;

(C) in the case of any franchise granted after October 30, 1984, capital costs which are required by the franchise to be incurred by the cable operator for public, educational, or governmental access facilities;

(D) requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

(E) any fee imposed under title 17.

(h) Uncompensated services; taxes, fees and other assessments; limitation on fees

(1) Nothing in this chapter shall be construed to limit any authority of a franchising authority to impose a tax, fee, or other assessment of any kind on any person (other than a cable operator) with respect to cable service or other communications service provided by such person over a cable system for which charges are assessed to subscribers but not received by the cable operator.

(2) For any 12-month period, the fees paid by such person with respect to any such cable service or other communications service shall not exceed 5 percent of such person's gross revenues derived in such period from the provision of such service over the cable system.

(i) Regulatory authority of Federal agencies

Any Federal agency may not regulate the amount of the franchise fees paid by a cable operator, or regulate the use of funds derived from such fees, except as provided in this section.

(June 19, 1934, ch. 652, title VI, § 622, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2787.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 543. Regulation of rates

(a) Limitation on regulatory power of Federal agencies, States, or franchising authorities

Any Federal agency or State may not regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

(b) Promulgation of regulations; scope; contents; periodic review and amendment

(1) Within 180 days after October 30, 1984, the Commission shall prescribe and make effective regulations which authorize a franchising authority to regulate rates for the provision of basic cable service in circumstances in which a cable system is not subject to effective competition. Such regulations may apply to any franchise granted after the effective date of such regulations. Such regulations shall not apply to any rate while such rate is subject to the provisions of subsection (c) of this section.

(2) For purposes of rate regulation under this subsection, such regulations shall—

(A) define the circumstances in which a cable system is not subject to effective competition; and

(B) establish standards for such rate regulation.

(3) The Commission shall periodically review such regulations, taking into account developments in technology, and may amend such regulations, consistent with paragraphs (1) and (2),

to the extent the Commission determines necessary.

(c) Regulation by franchising authority during initial 2-year period

In the case of any cable system for which a franchise has been granted on or before the effective date of this subchapter, until the end of the 2-year period beginning on such effective date, the franchising authority may, to the extent provided in a franchise—

(1) regulate the rates for the provision of basic cable service, including multiple tiers of basic cable service;

(2) require the provision of any service tier provided without charge (disregarding any installation or rental charge for equipment necessary for receipt of such tier); or

(3) regulate rates for the initial installation or the rental of 1 set of the minimum equipment which is necessary for the subscriber's receipt of basic cable service.

(d) Automatic granting of rate increase requests upon agency inaction within 180-day period; extension

Any request for an increase in any rate regulated pursuant to subsection (b) or (c) of this section for which final action is not taken within 180 days after receipt of such request by the franchising authority shall be deemed to be granted, unless the 180-day period is extended by mutual agreement of the cable operator and the franchising authority.

(e) Additional increases; reduction by amount of increase under franchise provisions

(1) In addition to any other rate increase which is subject to the approval of a franchising authority, any rate subject to regulation pursuant to this section may be increased after the effective date of this subchapter at the discretion of the cable operator by an amount not to exceed 5 percent per year if the franchise (as in effect on the effective date of this subchapter) does not specify a fixed rate or rates for basic cable service for a specified period or periods which would be exceeded if such increase took effect.

(2) Nothing in this section shall be construed to limit provisions of a franchise which permits a cable operator to increase any rate at the operator's discretion; however, the aggregate increases per year allowed under paragraph (1) shall be reduced by the amount of any increase taken such year under such franchise provisions.

(f) Nondiscrimination; facilitation of reception by hearing-impaired individuals

Nothing in this subchapter shall be construed as prohibiting any Federal agency, State, or a franchising authority, from—

(1) prohibiting discrimination among customers of basic cable service, or

(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

(g) Continued effectiveness of limitation or preemption of regulation under prior State law

Any State law in existence on the effective date of this subchapter which provides for any limitation or preemption of regulation by any franchising authority (or the State or any political subdivision or agency thereof) of rates for cable service shall remain in effect during the 2-year period beginning on such effective date, to the extent such law provides for such limitation or preemption. As used in this section, the term "State" has the meaning given it in section 153(v) of this title.

(h) Report to Congress; recommendations

Not later than 6 years after October 30, 1984, the Commission shall prepare and submit to the Congress a report regarding rate regulation of cable services, including such legislative recommendations as the Commission considers appropriate. Such report and recommendations shall be based on a study of such regulation which the Commission shall conduct regarding the effect of competition in the marketplace.

(June 19, 1934, ch. 652, title VI, § 623, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2788.)

REFERENCES IN TEXT

For "the effective date of this subchapter", referred to in subsecs. (c), (e)(1), and (g), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

RESTORATION, RETIERMENT AND REPRICING OF SERVICE PREVIOUSLY ELIMINATED, RETIERED, OR REPRICED

Section 9(b) of Pub. L. 98-549 provided that: "Nothing in section 623 or 624 of the Communications Act of 1934 [sections 543 and 544 of this title], as added by this Act, shall be construed to allow a franchising authority, or a State or any political subdivision of a State, to require a cable operator to restore, retier, or reprice any cable service which was lawfully eliminated, retiered, or repriced as of September 26, 1984."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 532, 545 of this title.

§ 544. Regulation of services, facilities, and equipment

(a) Regulation by franchising authority

Any franchising authority may not regulate the services, facilities, and equipment provided by a cable operator except to the extent consistent with this subchapter.

(b) Requests for proposals; establishment and enforcement of requirements

In the case of any franchise granted after the effective date of this subchapter, the franchising authority, to the extent related to the establishment or operation of a cable system—

(1) in its request for proposals for a franchise (including requests for renewal proposals, subject to section 546 of this title), may establish requirements for facilities and equipment, but may not establish requirements for video programming or other information services; and

(2) subject to section 545 of this title, may enforce any requirements contained within the franchise—

(A) for facilities and equipment; and

(B) for broad categories of video programming or other services.

(c) Enforcement authority respecting franchises effective under prior law

In the case of any franchise in effect on the effective date of this subchapter, the franchising authority may, subject to section 545 of this title, enforce requirements contained within the franchise for the provision of services, facilities, and equipment, whether or not related to the establishment or operation of a cable system.

(d) Cable service unprotected by Constitution

(1) Nothing in this subchapter shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the Constitution of the United States.

(2)(A) In order to restrict the viewing of programming which is obscene or indecent, upon the request of a subscriber, a cable operator shall provide (by sale or lease) a device by which the subscriber can prohibit viewing of a particular cable service during periods selected by that subscriber.

(B) Subparagraph (A) shall take effect 180 days after the effective date of this subchapter.

(e) Technical standards

The Commission may establish technical standards relating to the facilities and equipment of cable systems which a franchising authority may require in the franchise.

(f) Limitation on regulatory powers of Federal agencies, States, or franchising authorities; exceptions

(1) Any Federal agency, State, or franchising authority may not impose requirements regarding the provision or content of cable services, except as expressly provided in this subchapter.

(2) Paragraph (1) shall not apply to—

(A) any rule, regulation, or order issued under any Federal law, as such rule, regulation, or order (i) was in effect on September 21, 1983, or (ii) may be amended after such date if the rule, regulation, or order as amended is not inconsistent with the express provisions of this subchapter; and

(B) any rule, regulation, or order under title 17.

(June 19, 1934, ch. 652, title VI, § 624, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2789.)

REFERENCES IN TEXT

For "the effective date of this subchapter", referred to in subsecs. (b), (c), and (d)(2)(B), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

RESTORATION, RETIREMENT AND REPRICING OF SERVICE PREVIOUSLY ELIMINATED, RETIERED, OR REPRICED

This section not to be construed to allow a franchising authority, or a State or political subdivision thereof, to require a cable operator to restore, retier or reprice cable service previously eliminated, retiered, or repriced as of Sept. 26, 1984, see section 9(b) of Pub. L. 98-549, set out as a note under section 543 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 531, 546 of this title.

§ 545. Modification of franchise obligations

(a) Grounds for modification by franchising authority; public proceeding; time of decision

(1) During the period a franchise is in effect, the cable operator may obtain from the franchising authority modifications of the requirements in such franchise—

(A) in the case of any such requirement for facilities or equipment, including public, educational, or governmental access facilities or equipment, if the cable operator demonstrates that (i) it is commercially impracticable for the operator to comply with such requirement, and (ii) the proposal by the cable operator for modification of such requirement is appropriate because of commercial impracticability; or

(B) in the case of any such requirement for services, if the cable operator demonstrates that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

(2) Any final decision by a franchising authority under this subsection shall be made in a public proceeding. Such decision shall be made within 120 days after receipt of such request by the franchising authority, unless such 120 day period is extended by mutual agreement of the cable operator and the franchising authority.

(b) Judicial proceedings; grounds for modification by court

(1) Any cable operator whose request for modification under subsection (a) of this section has been denied by a final decision of a franchising authority may obtain modification of such franchise requirements pursuant to the provisions of section 555 of this title.

(2) In the case of any proposed modification of a requirement for facilities or equipment, the court shall grant such modification only if the cable operator demonstrates to the court that—

(A) it is commercially impracticable for the operator to comply with such requirement; and

(B) the terms of the modification requested are appropriate because of commercial impracticability.

(3) In the case of any proposed modification of a requirement for services, the court shall grant such modification only if the cable operator demonstrates to the court that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

(c) Rearrangement, replacement, or removal of service

Notwithstanding subsections (a) and (b) of this section, a cable operator may, upon 30 days' advance notice to the franchising authority, rearrange, replace, or remove a particular cable service required by the franchise if—

(1) such service is no longer available to the operator; or

(2) such service is available to the operator only upon the payment of a royalty required under section 801(b)(2) of title 17, which the cable operator can document—

(A) is substantially in excess of the amount of such payment required on the date of the operator's offer to provide such service, and

(B) has not been specifically compensated for through a rate increase or other adjustment.

(d) Rearrangement of particular services from one service tier to another or other offering of service

Notwithstanding subsections (a) and (b) of this section, a cable operator may take such actions to rearrange a particular service from one service tier to another, or otherwise offer the service, if the rates for all of the service tiers involved in such actions are not subject to regulation under section 543 of this title.

(e) Requirements for services relating to public, educational, or governmental access

A cable operator may not obtain modification under this section of any requirement for services relating to public, educational, or governmental access.

(f) "Commercially impracticable" defined

For purposes of this section, the term "commercially impracticable" means, with respect to any requirement applicable to a cable operator, that it is commercially impracticable for the operator to comply with such requirement as a result of a change in conditions which is beyond the control of the operator and the nonoccurrence of which was a basic assumption on which the requirement was based.

(June 19, 1934, ch. 652, title VI, § 625, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2790.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 544, 555 of this title.

§ 546. Renewal

(a) Commencement of proceedings; public notice and participation

During the 6-month period which begins with the 36th month before the franchise expiration, the franchising authority may on its own initiative, and shall at the request of the cable operator, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of—

(1) identifying the future cable-related community needs and interests; and

(2) reviewing the performance of the cable operator under the franchise during the then current franchise term.

(b) Submission of renewal proposals; contents; time

(1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcipt; written decision

(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the completion of any proceedings under subsection (a) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether—

(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the

proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial

Any denial of a proposal for renewal shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or has effectively acquiesced.

(e) Judicial review; grounds for relief

(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.

(2) The court shall grant appropriate relief if the court finds that—

(A) any action of the franchising authority is not in compliance with the procedural requirements of this section; or

(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(June 19, 1934, ch. 652, title VI, § 626, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2791.)

REFERENCES IN TEXT

For "the effective date of this subchapter", referred to in subsec. (d), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 522, 531, 532, 544, 552, 555 of this title.

§ 547. Conditions of sale

(a) If a renewal of a franchise held by a cable operator is denied and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

(1) at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the franchise itself, or

(2) in the case of any franchise existing on the effective date of this subchapter, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

(b) If a franchise held by a cable operator is revoked for cause and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

(1) at an equitable price, or

(2) in the case of any franchise existing on the effective date of this subchapter, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

(June 19, 1934, ch. 652, title VI, § 627, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2793.)

REFERENCES IN TEXT

For "the effective date of this subchapter", referred to in subsecs. (a)(2), (b)(2), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

PART IV—MISCELLANEOUS PROVISIONS

§ 551. Protection of subscriber privacy

(a) Notice to subscriber regarding personally identifiable information; "personally identifiable information" defined

(1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of—

(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

(C) the period during which such information will be maintained by the cable operator;

(D) the times and place at which the subscriber may have access to such information in accordance with subsection (d) of this section; and

(E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) of this section to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

(2) For purposes of this section, the term "personally identifiable information" does not include any record of aggregate data which does not identify particular persons.

(b) Collection of personally identifiable information using cable system

(1) Except as provided in paragraph (2), a cable operator shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

(2) A cable operator may use the cable system to collect such information in order to—

(A) obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or

(B) detect unauthorized reception of cable communications.

(c) Disclosure of personally identifiable information

(1) Except as provided in paragraph (2), a cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

(2) A cable operator may disclose such information if the disclosure is—

(A) necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator to the subscriber;

(B) subject to subsection (h) of this section, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

(C) a disclosure of the names and addresses of subscribers to any cable service or other service, if—

(i) the cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure, and

(ii) the disclosure does not reveal, directly or indirectly, the—

(I) extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, or

(II) the nature of any transaction made by the subscriber over the cable system of the cable operator.

(d) Subscriber access to information

A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

(e) Destruction of information

A cable operator shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) of this section or pursuant to a court order.

(f) Civil action in United States district court; damages; attorney's fees and costs; nonexclusive nature of remedy

(1) Any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in a United States district court.

(2) The court may award—

(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

(B) punitive damages; and

(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

(3) The remedy provided by this section shall be in addition to any other lawful remedy available to a cable subscriber.

(g) Regulation by States or franchising authorities

Nothing in this subchapter shall be construed to prohibit any State or any franchising authority from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

(h) Disclosure of information to governmental entity pursuant to court order

A governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

(1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

(2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

(June 19, 1934, ch. 652, title VI, § 631, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2794.)

REFERENCES IN TEXT

For "the effective date of this section", referred to in subsec. (a)(1), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 552. Consumer protection

(a) Inclusion of enforcement provisions in franchise

A franchising authority may require, as part of a franchise (including a franchise renewal, subject to section 546 of this title), provisions for enforcement of—

(1) customer service requirements of the cable operator; and

(2) construction schedules and other construction-related requirements of the cable operator.

(b) Enforcement powers of franchising authority

A franchising authority may enforce any provision, contained in any franchise, relating to requirements described in paragraph (1) or (2) of subsection (a) of this section, to the extent not inconsistent with this subchapter.

(c) Regulation by States or franchising authorities not preempted

Nothing in this subchapter shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not inconsistent with this subchapter.

(June 19, 1934, ch. 652, title VI, § 632, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2796.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 553. Unauthorized reception of cable service

(a) Unauthorized interception or receipt or assistance in intercepting or receiving service; "assist in intercepting or receiving" defined

(1) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law.

(2) For the purpose of this section, the term "assist in intercepting or receiving" shall include the manufacture or distribution of equipment intended by the manufacturer or distributor (as the case may be) for unauthorized reception of any communications service offered over a cable system in violation of subparagraph (1).

(b) Penalties for willful violation

(1) Any person who willfully violates subsection (a)(1) of this section shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

(2) Any person who violates subsection (a)(1) of this section willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both, for the first such offense and shall be fined not more than $50,000 or imprisoned for not more than 2 years, or both, for any subsequent offense.

(c) Civil action in district court; injunctions; damages; attorney's fees and costs; regulation by States or franchising authorities

(1) Any person aggrieved by any violation of subsection (a)(1) of this section may bring a civil action in a United States district court or in any other court of competent jurisdiction.

(2) The court may—

(A) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a)(1) of this section;

(B) award damages as described in paragraph (3); and

(C) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

(3)(A) Damages awarded by any court under this section shall be computed in accordance with either of the following clauses:

(i) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

(ii) the party aggrieved may recover an award of statutory damages for all violations involved in the action, in a sum of not less than $250 or more than $10,000 as the court considers just.

(B) In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory under subparagraph (A), by an amount of not more than $50,000.

(C) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

(D) Nothing in this subchapter shall prevent any State or franchising authority from enacting or enforcing laws, consistent with this section, regarding the unauthorized interception or reception of any cable service or other communications service.

(June 19, 1934, ch. 652, title VI, § 633, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2796.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 554. Equal employment opportunity

(a) Entities within scope of coverage

This section shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of any cable system.

(b) Discrimination prohibited

Equal opportunity in employment shall be afforded by each entity specified in subsection (a) of this section, and no person shall be discriminated against in employment by such entity because of race, color, religion, national origin, age, or sex.

(c) Equal opportunity programs; establishment; maintenance; execution; terms

Any entity specified in subsection (a) of this section shall establish, maintain, and execute a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of its employment policies and practices. Under the terms of its program, each such entity shall—

(1) define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) inform its employees and recognized employee organizations of the equal employment opportunity policy and program and enlist their cooperation;

(3) communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, age, or sex, and solicit their recruitment assistance on a continuing basis;

(4) conduct a continuing program to exclude every form of prejudice or discrimination based on race, color, religion, national origin, age, or sex, from its personnel policies and practices and working conditions; and

(5) conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all its organizational units, occupations, and levels of responsibility.

(d) Promulgation and amendment of rules; required provisions; annual statistical report; notice and comment on amendments

(1) Not later than 270 days after the effective date of this section, and after notice and opportunity for hearing, the Commission shall prescribe rules to carry out this section.

(2) Such rules shall specify the terms under which an entity specified in subsection (a) of this section shall, to the extent possible—

(A) disseminate its equal opportunity program to job applicants, employees, and those with whom it regularly does business;

(B) use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, to supply referrals whenever jobs are available in its operation;

(C) evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area;

(D) undertake to offer promotions of minorities and women to positions of greater responsibility;

(E) encourage minority and female entrepreneurs to conduct business with all parts of its operation; and

(F) analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program.

(3) Such rules also shall require an entity specified in subsection (a) of this section with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

(A) officials and managers;
(B) professionals;
(C) technicians;
(D) sales persons;
(E) office and clerical personnel;
(F) skilled craft persons;
(G) semiskilled operatives;
(H) unskilled laborers; and
(I) service workers.

The report shall include the number of minorities and women in the relevant labor market for each of the above categories. The statistical report shall be available to the public at the central office and at every location where more than 5 full-time employees are regularly assigned to work.

(4) The Commission may amend such rules from time to time to the extent necessary to carry out the provisions of this section. Any such amendment shall be made after notice and opportunity for comment.

(e) Annual certification of compliance; periodic investigation of employment practices

(1) On an annual basis, the Commission shall certify each entity described in subsection (a)

of this section as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to subsection (d)(3) of this section, such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d) of this section.

(2) The Commission shall, periodically but not less frequently than every five years, investigate the employment practices of each entity described in subsection (a) of this section, in the aggregate, as well as in individual job categories, and determine whether such entity is in compliance with the requirements of subsections (b), (c), and (d) of this section, including whether such entity's employment practices deny or abridge women and minorities equal employment opportunities. As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) of this section accurately reflect employee responsibilities in the reported job classifications.

(f) Substantial failure to comply; penalties; notice to public and franchising authorities

(1) If the Commission finds after notice and hearing that the entity involved has willfully or repeatedly without good cause failed to comply with the requirements of this section, such failure shall constitute a substantial failure to comply with this subchapter. The failure to obtain certification under subsection (e) of this section shall not itself constitute the basis for a determination of substantial failure to comply with this title. For purposes of this paragraph, the term "repeatedly", when used with respect to failures to comply, refers to 3 or more failures during any 7-year period.

(2) Any person who is determined by the Commission, through an investigation pursuant to subsection (e) of this section or otherwise, to have failed to meet or failed to make best efforts to meet the requirements of this section, or rules under this section, shall be liable to the United States for a forfeiture penalty of $200 for each violation. Each day of a continuing violation shall constitute a separate offense. Any entity defined in subsection (a) of this section shall not be liable for more than 180 days of forfeitures which accrued prior to notification by the Commission of a potential violation. Nothing in this paragraph shall limit the forfeiture imposed on any person as a result of any violation that continues subsequent to such notification. In addition, any person liable for such penalty may also have any license under this chapter for cable auxiliary relay service suspended until the Commission determines that the failure involved has been corrected. Whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section.

(3) The provisions of paragraphs (3) and (4), and the last 2 sentences of paragraph (2), of section 503(b) of this title shall apply to forfeitures under this subsection.

(4) The Commission shall provide for notice to the public and appropriate franchising authorities of any penalty imposed under this section.

(g) Discrimination complaints; investigation; enforcement

Employees or applicants for employment who believe they have been discriminated against in violation of the requirements of this section, or rules under this section, or any other interested person, may file a complaint with the Commission. A complaint by any such person shall be in writing, and shall be signed and sworn to by that person. The regulations under subsection (d)(1) of this section shall specify a program, under authorities otherwise available to the Commission, for the investigation of complaints and violations, and for the enforcement of this section.

(h) "Cable operator" defined; owners of multiple unit dwellings

(1) For purposes of this section, the term "cable operator" includes any operator of any satellite master antenna television system, including a system described in section 522(6)(A) of this title.

(2) Such term does not include any operator of a system which, in the aggregate, serves fewer than 50 subscribers.

(3) In any case in which a cable operator is the owner of a multiple unit dwelling, the requirements of this section shall only apply to such cable operator with respect to its employees who are primarily engaged in cable telecommunications.

(i) Regulatory powers of States and franchising authorities; nonexclusive nature of remedies and enforcement provisions; covered franchises

(1) Nothing in this section shall affect the authority of any State or any franchising authority—

(A) to establish or enforce any requirement which is consistent with the requirements of this section, including any requirement which affords equal employment opportunity protection for employees;

(B) to establish or enforce any provision requiring or encouraging any cable operator to conduct business with enterprises which are owned or controlled by members of minority groups (as defined in section 309(i)(3)(C)(ii) of this title) or which have their principal operations located within the community served by the cable operator; or

(C) to enforce any requirement of a franchise in effect on the effective date of this subchapter.

(2) The remedies and enforcement provisions of this section are in addition to, and not in lieu of, those available under this or any other law.

(3) The provisions of this section shall apply to any cable operator, whether operating pursuant to a franchise granted before, on, or after October 30, 1984.

(June 19, 1934, ch. 652, title VI, § 634, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2797.)

REFERENCES IN TEXT

For "the effective date of this section" and "the effective date of this subchapter", referred to in subsecs. (d)(1) and (i)(1)(C), respectively, as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 555. Judicial proceedings

(a) Any cable operator adversely affected by any final determination made by a franchising authority under section 545 or 546 of this title may commence an action within 120 days after receiving notice of such determination, which may be brought in—

(1) the district court of the United States for any judicial district in which the cable system is located; or

(2) in any State court of general jurisdiction having jurisdiction over the parties.

(b) The court may award any appropriate relief consistent with the provisions of the relevant section described in subsection (a) of this section.

(June 19, 1934, ch. 652, title VI, § 635, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2800.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 545, 546 of this title.

§ 556. Coordination of Federal, State, and local authority

(a) Regulation by States, political subdivisions, State and local agencies, and franchising authorities

Nothing in this subchapter shall be construed to affect any authority of any State, political subdivision, or agency thereof, or franchising authority, regarding matters of public health, safety, and welfare, to the extent consistent with the express provisions of this subchapter.

(b) State jurisdiction with regard to cable services

Nothing in this subchapter shall be construed to restrict a State from exercising jurisdiction with regard to cable services consistent with this subchapter.

(c) Preemption

Except as provided in section 557 of this title, any provision of law of any State, political subdivision, or agency thereof, or franchising authority, or any provision of any franchise granted by such authority, which is inconsistent with this chapter shall be deemed to be preempted and superseded.

(d) "State" defined

For purposes of this section, the term "State" has the meaning given such term in section 153(v) of this title.

(June 19, 1934, ch. 652, title VI, § 636, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2800.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 557. Existing franchises

(a) The provisions of—

(1) any franchise in effect on the effective date of this subchapter, including any such provisions which relate to the designation, use, or support for the use of channel capacity for public, educational, or governmental use, and

(2) any law of any State (as defined in section 153(v) of this title) in effect on October 30, 1984, or any regulation promulgated pursuant to such law, which relates to such designation, use or support of such channel capacity,

shall remain in effect, subject to the express provisions of this subchapter, and for not longer than the then current remaining term of the franchise as such franchise existed on such effective date.

(b) For purposes of subsection (a) of this section and other provisions of this subchapter, a franchise shall be considered in effect on the effective date of this subchapter if such franchise was granted on or before such effective date.

(June 19, 1934, ch. 652, title VI, § 637, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2800.)

REFERENCES IN TEXT

For "the effective date of this subchapter" and "such effective date", referred to in subsecs. (a) and (b), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 532, 556 of this title.

§ 558. Criminal and civil liability

Nothing in this subchapter shall be deemed to affect the criminal or civil liability of cable programmers or cable operators pursuant to the Federal, State, or local law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur any such liability for any program carried on any channel designated for public, educational, governmental use or on any other channel obtained under section 532 of this title or under similar arrangements.

(June 19, 1934, ch. 652, title VI, § 638, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2801.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 559. Obscene programming

Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

(June 19, 1934, ch. 652, title VI, § 639, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2801.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 601. Interstate Commerce Commission and Postmaster General; duties, powers, and functions transferred to Commission

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 701, formerly title VI, § 601, 48 Stat. 1101, renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

§ 602. Omitted

CODIFICATION

Section, acts June 19, 1934, ch. 652, title VII, § 702(a), (b), formerly title VI, § 602(a), (b), 48 Stat. 1102; May 20, 1937, ch. 229, § 15, 50 Stat. 197; Mar. 18, 1940, ch. 66, 54 Stat. 54; renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804, repealed certain prior provisions relating to communications and directed the Commission to study and report, not later than Jan. 1, 1941, on the radio requirements necessary for ships navigating the Great Lakes and inland waters of the United States.

§ 603. Transfers from Federal Radio Commission, Interstate Commerce Commission, and Postmaster General

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 703, formerly title VI, § 603, 48 Stat. 1102, renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

§ 604. Effect of transfer

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 704, formerly title VI, § 604, 48 Stat. 1103, renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

§ 605. Unauthorized publication or use of communications

(a) Practices prohibited

Except as authorized by chapter 119, title 18, no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, (1) to any person other than the addressee, his agent, or attorney, (2) to a person employed or authorized to forward such communication to its destination, (3) to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, (4) to the master of a ship under whom he is serving, (5) in response to a subpena issued by a court of competent jurisdiction, or (6) on demand of other lawful authority. No person not being authorized by the sender shall intercept any radio communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person. No person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by radio and use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. No person having received any intercepted radio communication or having become acquainted with the contents, substance, purport, effect, or meaning of such communication (or any part thereof) knowing that such communication was intercepted, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of such communication (or any part thereof) or use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. This section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication which is transmitted by any station for the use of the general public, which relates to ships, aircraft, vehicles, or persons in distress, or which is transmitted by an amateur radio station operator or by a citizens band radio operator.

(b) Exceptions

The provisions of subsection (a) of this section shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt, of any satellite cable programming for private viewing if—

(1) the programming involved is not encrypted; and

(2)(A) a marketing system is not established under which—

(i) an agent or agents have been lawfully designated for the purpose of authorizing private viewing by individuals, and

(ii) such authorization is available to the individual involved from the appropriate agent or agents; or

(B) a marketing system described in subparagraph (A) is established and the individuals receiving such programming has obtained authorization for private viewing under that system.

(c) Definitions

For purposes of this section—

(1) the term "satellite cable programming" means video programming which is transmit-

ted via satellite and which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers;

(2) the term "agent", with respect to any person, includes an employee of such person;

(3) the term "encrypt", when used with respect to satellite cable programming, means to transmit such programming in a form whereby the aural and visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming by persons without authorized equipment which is designed to eliminate the effects of such modification or alteration;

(4) the term "private viewing" means the viewing for private use in an individual's dwelling unit by means of equipment, owned or operated by such individual, capable of receiving satellite cable programming directly from a satellite; and

(5) the term "private financial gain" shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.

(d) Penalties; civil actions; remedies; attorney's fees and costs; computation of damages; regulation by State and local authorities

(1) Any person who willfully violates subsection (a) of this section shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

(2) Any person who violates subsection (a) of this section willfully and for purposes of direct or indirect commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both, for the first such conviction and shall be fined not more than $50,000 or imprisoned for not more than 2 years, or both, for any subsequent conviction.

(3)(A) Any person aggrieved by any violation of subsection (a) of this section may bring a civil action in a United States district court or in any other court of competent jurisdiction.

(B) The court may—

(i) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a) of this section;

(ii) award damages as described in subparagraph (C); and

(iii) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

(C)(i) Damages awarded by any court under this section shall be computed, at the election of the aggrieved party, in accordance with either of the following subclauses;

(I) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

(II) the party aggrieved may recover an award of statutory damages for each violation involved in the action in a sum of not less than $250 or more than $10,000, as the court considers just.

(ii) In any case in which the court finds that the violation was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, by an amount of not more than $50,000.

(iii) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

(4) The importation, manufacture, sale, or distribution of equipment by any person with the intent of its use to assist in any activity prohibited by subsection (a) of this section shall be subject to penalties and remedies under this subsection to the same extent and in the same manner as a person who has engaged in such prohibited activity.

(5) The penalties under this subsection shall be in addition to those prescribed under any other provision of this subchapter.

(6) Nothing in this subsection shall prevent any State, or political subdivision thereof, from enacting or enforcing any laws with respect to the importation, sale, manufacture, or distribution of equipment by any person with the intent of its use to assist in the interception or receipt of radio communications prohibited by subsection (a) of this section.

(e) Rights, obligations, and liabilities under other laws unaffected

Nothing in this section shall affect any right, obligation, or liability under title 17, any rule, regulation, or order thereunder, or any other applicable Federal, State, or local law.

(June 19, 1934, ch. 652, title VII, § 705, formerly title VI, § 605, 48 Stat. 1103; June 19, 1968, Pub. L. 90-351, title III, § 803, 82 Stat. 223; Sept. 13, 1982, Pub. L. 97-259, title I, § 126, 96 Stat. 1099; renumbered and amended Oct. 30, 1984, Pub. L. 98-549, §§ 5(a), 6(a), 98 Stat. 2802, 2804.)

AMENDMENTS

1984—Pub. L. 98-549, § 5(a), designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

EFFECTIVE DATE OF 1984 AMENDMENT

Section 5(b) of Pub. L. 98-549 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the effective date of this Act [Dec. 29, 1984].

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

§ 606. War powers of President

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 706, formerly title VI, § 606, 48 Stat. 1104; Jan. 26, 1942, ch. 18, §§ 1, 2, 56 Stat. 18; Dec. 29, 1942, ch. 836, 56 Stat. 1096; July 25, 1947, ch. 327, § 1, 61 Stat. 449; Oct. 24, 1951, ch. 553, §§ 1, 2, 65 Stat. 611; renumbered Pub. L. 98-549, § 6(a), Oct. 30, 1984, 98 Stat. 2804.)

§ 607. Effective date of chapter

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 707, formerly title VI, § 607, 48 Stat. 1105, renumbered Pub. L. 98-549, § 6(a), Oct. 30, 1984, 98 Stat. 2804.)

§ 608. Separability of provisions

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 708, formerly title VI, § 608, 48 Stat. 1105, renumbered Pub. L. 98-549, § 6(a), Oct. 30, 1984, 98 Stat. 2804.)

§ 609. Short title

This chapter may be cited as the "Communications Act of 1934."

(June 19, 1934, ch. 652, title VII, § 709, formerly title VI, § 609, 48 Stat. 1105, renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, known as the Communications Act of 1934, which enacted this chapter, amended section 35 of this title, section 21 of Title 15, Commerce and Trade, section 487 of former Title 46, Shipping, and sections 1, 2, 5, and 15 of former Title 49, Transportation, and repealed sections 484 to 487 of former Title 46. For complete classification of this Act to the Code, see Tables.

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-549, § 1(a), Oct. 30, 1984, 98 Stat. 2779, provided that: "This Act [enacting subchapter V-A of this chapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this title, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under sections 521, 543, and 605 of this title] may be cited as the 'Cable Communications Policy Act of 1984'."

SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98-214, § 1, Dec. 8, 1983, 97 Stat. 1467, provided that: "This Act [enacting section 157 of this title, amending sections 154, 156, 223, 310, 316, 396, and 503 of this title, and enacting provisions set out as notes under sections 156, 223, and 303 of this title] may be cited as the 'Federal Communications Commission Authorization Act of 1983'."

§ 610. Telephone service for the disabled

[See main edition for text]

(June 19, 1934, ch. 652, title VII, § 710, formerly title VI, § 610, as added Jan. 3, 1983, Pub. L. 97-410, § 3, 96 Stat. 2043, and renumbered Oct. 30, 1984, Pub. L. 98-549, § 6(a), 98 Stat. 2804.)

§ 611. Telecommunications Policy Study Commission

(a) Establishment; functions

There is hereby established the Telecommunications Policy Study Commission (hereinafter in this section referred to as the "Commission") which shall—

(1) compare various domestic telecommunications policies of the United States and other nations, including the impact of all such policies on the regulation of interstate and foreign commerce, and

(2) prepare and transmit a written report thereon to the Congress, the President, and the Federal Communications Commission.

(b) Membership; chairmen

(1) Such Commission shall be composed of the chairman and ranking minority members of the Committee on Commerce, Science, and Transportation and the Communications Subcommittee of the Senate and the Committee on Energy and Commerce and the Telecommunications, Consumer Protection and Finance Subcommittee of the House of Representatives (or delegates of such chairmen or members appointed by them from among members of such committees).

(2) The chairmen of such committees (or their delegates) shall be co-chairmen of the Commission.

(c) Report to Congress, President, and Federal Communications Commission; termination of Telecommunications Policy Study Commission

(1) The report under subsection (a)(2) of this section shall be submitted not later than December 1, 1987. Such report shall contain the results of all Commission studies and investigations under this section.

(2) The Commission shall cease to exist—

(A) on December 1, 1987, if the report is not submitted in accordance with paragraph (1) on the date specified therein; or

(B) on such date (but not later than May 1, 1988) as may be determined by the Commission, by order, if the report is submitted in accordance with paragraph (1) on the date specified in such paragraph.

(d) Compensation and travel expenses of members; appointment and compensation of staff

(1) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the chairmen, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(2) The Commission may appoint and fix the pay of such staff as it deems necessary.

(e) Contracts; public hearings, forums, and other meetings

(1) In conducting its activities, the Commission may enter into contracts to the extent it deems necessary to carry out its responsibilities, including contracts with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's responsibilities.

(2) The Commission is authorized to hold public hearings, forums, and other meetings to enable full public participation.

(f) Cooperation of Federal departments, agencies, and instrumentalities with Commission; transmission of necessary information to Commission

The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out this section and shall furnish to the Commission such information as the Commission deems necessary to carry out this section, in accordance with otherwise applicable law.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as may be appropriated to carry out this section for a period of three fiscal years.

(h) Authority coextensive with appropriation Acts

Activities authorized by this section may be carried out only with funds and to the extent approved in appropriation Acts.

(i) Federal Communications Commission proceedings or activities unaffected

Nothing in this section shall be construed to affect any proceedings by, or activities of, the Federal Communications Commission, except that the Federal Communications Commission shall consider submissions by the Commission submitted pursuant to subsection (a)(2) of this section.

(June 19, 1934, ch. 652, title VII, § 711, as added Oct. 30, 1984, Pub. L. 98-549, § 2, 98 Stat. 2804.)

EFFECTIVE DATE

Section to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

CHAPTER 6—COMMUNICATIONS SATELLITE SYSTEM

SUBCHAPTER I—GENERAL PROVISIONS

§ 701. Congressional declaration of policy and purpose

INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION

Pub. L. 99-93, title I, § 146, Aug. 16, 1985, 99 Stat. 425, provided that:

"(a) POLICY.—The Congress declares that it is the policy of the United States—

"(1) as a party to the International Telecommunications Satellite Organization (hereafter in this section referred to as 'Intelsat'), to foster and support the global commercial communications satellite system owned and operated by Intelsat;

"(2) to make available to consumers a variety of communications satellite services utilizing the space segment facilities of Intelsat and any additional such facilities which are found to be in the national interest and which—

"(A) are technically compatible with the use of the radio frequency spectrum and orbital space by the existing or planned Intelsat space segment, and

"(B) avoid significant economic harm to the global system of Intelsat; and

"(3) to authorize use and operation of any additional space segment facilities only if the obligations of the United States under article XIV(d) of the Intelsat Agreement have been met.

"(b) PRECONDITIONS FOR INTELSAT CONSULTATION.—Before consulting with Intelsat for purposes of coordination of any separate international telecommunications satellite system under article XIV(d) of the Intelsat Agreement, the Secretary of State shall—

"(1) in coordination with the Secretary of Commerce, ensure that any proposed separate international satellite telecommunications system comply with the Executive Branch conditions established pursuant to the Presidential Determination No. 85-2 [49 F.R. 46987]; and

"(2) ensure that one or more foreign authorities have authorized the use of such system consistent with such conditions.

"(c) AMENDMENT OF INTELSAT AGREEMENT.—(1) The Secretary of State shall consult with the United States signatory to Intelsat and the Secretary of Commerce regarding the appropriate scope and character of a modification to article V(d) of the Intelsat Agreement which would permit Intelsat to establish cost-based rates for individual traffic routes, as exceptional circumstances warrant, paying particular attention to the need for avoiding significant economic harm to the global system of Intelsat as well as United States national and foreign policy interests.

"(2)(A) To ensure that rates established by Intelsat for such routes are cost-based, the Secretary of State, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall instruct the United States signatory to Intelsat to ensure that sufficient documentation, including documentation regarding revenues and costs, is provided by Intelsat so as to verify that such rates are in fact cost-based.

"(B) To the maximum extent possible, such documenation [documentation] will be made available to interested parties on a timely basis.

"(3) Pursuant to the consultation under paragraph (1) and taking the steps prescribed in paragraph (2) to provide documentation, the United States shall support an appropriate modification to article V(d) of the Intelsat Agreement to accomplish the purpose described in paragraph (1).

"(d) CONGRESSIONAL CONSULTATION.—In the event that, after United States consultation with Intelsat for the purposes of coordination under article XIV(d) of the Intelsat Agreement for the establishment of a separate international telecommunications satellite system, the Assembly of Parties of Intelsat fails to recommend such a separate system, and the President determines to pursue the establishment of a separate system notwithstanding the Assembly's failure to approve such system, the Secretary of State, after consultation with the Secretary of Commerce, shall submit to the Congress a detailed report which shall set forth—

"(1) the foreign policy reasons for the President's determination, and

"(2) a plan for minimizing any negative effects of the President's action on Intelsat and on United States foreign policy interests.

"(e) NOTIFICATION TO FEDERAL COMMUNICATIONS COMMISSION.—In the event the Secretary of State submits a report under subsection (d), the Secretary, 60 calendar days after the receipt by the Congress of such report, shall notify the Federal Communications Commission as to whether the United States obligations under article XIV(d) of the Intelsat Agreement have been met.

"(f) IMPLEMENTATION.—In implementing the provisions of this section, the Secretary of State shall act in accordance with Executive order 12046 [set out under section 305 of this title].

"(g) DEFINITION.—For the purposes of this section, the term 'separate international telecommunications satellite system' or 'separate system' means a system of one or more telecommunications satellites separate from the Intelsat space segment which is established to provide international telecommunications services between points within the United States and points outside the United States, except that such term shall not include any satellite or system of satellites established—

"(1) primarily for domestic telecommunications purposes and which incidentally provides services on an ancillary basis to points outside the jurisdiction of the United States but within the western hemisphere, or

"(2) solely for unique governmental purposes."

[illegible]

[illegible]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

CHAPTER 2—ALASKA

§ 301a. Repealed. Pub. L. 97-468, title VI, § 615(a)(2), Jan. 14, 1983, 96 Stat. 2578

Section, act June 24, 1946, ch. 465, 60 Stat. 304, provided that funds available for operation of Alaska Railroad were available for other specified purposes.

Effective Date of Repeal

Repeal by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(b) of Pub. L. 97-468.

§§ 310 to 312d. Omitted

Codification

Sections 310 to 312d, relating to the Territory of Alaska, were omitted in view of the admission of Alaska into the Union.

Section 310, act May 26, 1900, ch. 586, 31 Stat. 206, allowed the conduct of commercial business over military telegraph and cable lines.

Section 311, act May 23, 1941, ch. 130, § 1, 55 Stat. 190, allowed payment of charges for interconnection between radio-telephone facilities of the Alaska Communication System and commercial facilities to be made out of receipts of the Alaska Communication System.

Section 312, acts July 31, 1950, ch. 510, § 1, 64 Stat. 382; Aug. 13, 1953, ch. 430, § 1(1), (2), 67 Stat. 574; Oct. 30, 1984, Pub. L. 98-552, § 4, 98 Stat. 2823, authorized the construction of the Eklutna project, reservation of mineral rights, disposition of net proceeds, and reservation of water rights.

Section 312a, acts July 31, 1950, ch. 510, § 2, 64 Stat. 382; Aug. 13, 1953, ch. 430, § 1(3), 67 Stat. 574, covered the disposition of electric power produced from the Eklutna project, rate and rate schedules, sale preferences, disposition of receipts, and creation of a continuing fund.

Section 312b, act July 31, 1950, ch. 510, § 3, 64 Stat. 383, authorized the Secretary of the Interior to perform the acts necessary to carry into effect the Eklutna project and otherwise set out his powers and duties in connection with the project.

Section 312c, act July 31, 1950, ch. 510, § 4, 64 Stat. 383, authorized and directed the Secretary to report on the feasibility of transferring the Eklutna project, upon completion, to public ownership.

Section 312d, act July 31, 1950, ch. 510, § 5, 64 Stat. 383, authorized the Secretary to delegate the powers and functions given him in connection with the Eklutna project.

CHAPTER 3—HAWAII

Sec.

491 to 636. Repealed or Omitted.

DISTRICT COURT

641 to 644. Repealed.

644a. Jurisdiction of district court of cases arising on or within Midway, Wake, Johnston, Sand, etc., Islands; laws applicable to jury trials.

645 to 724. Repealed or Omitted.

DISTRICT COURT

§ 644a. Jurisdiction of district court of cases arising on or within Midway, Wake, Johnston, Sand, etc., Islands; laws applicable to jury trials

The jurisdiction of the United States District Court for the District of Hawaii is extended to all civil and criminal cases arising on or within the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Palmyra Island, Baker Island, Howland Island, Jarvis Island, and, having regard to the special status of Canton and Enderbury Islands pursuant to an agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common, the said jurisdiction is also extended to all civil and criminal cases arising on or within Canton Island and Enderbury Island: *Provided*, That such extension to Canton and Enderbury Islands shall in no way be construed to be prejudicial to the claims of the United Kingdom to said islands in accordance with the agreement. All civil acts and deeds consummated and taking place on any of these islands or in the waters adjacent thereto, and all offenses and crimes committed thereon, or on or in the waters adjacent thereto, shall be deemed to have been consummated or committed on the high seas on board a merchant vessel or other vessel belonging to the United States and shall be adjudicated and determined or adjudged and punished according to the laws of the United States relating to such civil acts or offenses on such ships or vessels on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

The laws of the United States relating to juries and jury trials shall be applicable to the trial of such cases before said district court.

(June 15, 1950, ch. 253, 64 Stat. 217; Mar. 18, 1959, Pub. L. 86-3, § 14(j), 73 Stat. 11; July 12, 1960, Pub. L. 86-624, § 19, 74 Stat. 416.)

Amendments

1960—Pub. L. 86-624 struck out Kure Island.

1959—Pub. L. 86-3 extended jurisdiction to cases arising on or within Palmyra Island.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment of section by Pub. L. 86-3 as effective upon the admission of the State of Hawaii into the Union, see note set out under section 1252 of Title 28, Judiciary and Judicial Procedure. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of this title.

CANTON AND ENDERBURY ISLANDS; SOVEREIGNTY OF KIRIBATI

By a treaty of friendship, TIAS 10777, which entered into force Sept. 23, 1983, the United States recognized the sovereignty of Kiribati over Canton Island and Enderbury Island.

CROSS REFERENCES

Juries and trial by jury, generally, see chapter 121 of Title 28, Judiciary and Judicial Procedure.

Special maritime and territorial jurisdiction of the United States defined, see section 7 of Title 18, Crimes and Criminal Procedure.

Venue of offenses committed upon high seas or out of the jurisdiction of any State or district, see section 3238 of Title 18.

CHAPTER 4—PUERTO RICO

SUBCHAPTER I—GENERAL PROVISIONS

§ 744. Coasting trade laws

CROSS REFERENCES

Establishment of great districts embracing seacoasts and navigable rivers of United States and Puerto Rico, see section 293 of Title 46, Appendix, Shipping.

CHAPTER 7—THE VIRGIN ISLANDS

SUBCHAPTER I—GENERAL PROVISIONS

§ 1400. Repealed. Pub. L. 98-454, title VII, § 709, Oct. 5, 1984, 98 Stat. 1741

Section, act May 20, 1932, ch. 194, 47 Stat. 160, related to the extension of the admiralty laws of the United States to the Virgin Islands.

EFFECTIVE DATE OF REPEAL

Repeal effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1401f. Purchases

[See main edition for text]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1238.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

Section, as it relates to Guam, American Samoa, and the Trust Territory of the Pacific Islands, is classified to sections 1423*l*, 1665, and 1682, respectively, of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1851.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 931.

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

CHAPTER 8A—GUAM

SUBCHAPTER IV—THE JUDICIARY

Sec.
1424. District Court of Guam; local courts; jurisdiction.
  (a) District Court of Guam; local courts.
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1424-1. Local courts; composition; appellate court; jurisdiction; practice and procedure; qualifications and duties of judges.
  (a) Composition; establishment of appellate court.
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  (a) Appellate jurisdiction of District Court.
  (b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions.
  (c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules.
  (d) Appeals to appellate court; effect on District Court.
1424-4. Criminal offenses; procedure; definitions.
1424b. Judge of District Court; appointment, tenure, removal, and compensation; appointment of United States attorney and marshal.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1421h. Duties, taxes, and fees; proceeds collected to constitute fund for benefit of Guam; prerequisites, amount, etc., remitted prior to commencement of next fiscal year

All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam (including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam), and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets; except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1954 [26 U.S.C. 1401 et seq., 3101 et seq.]. Beginning as soon as the government of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of Guam the amount of duties, taxes, and fees which the governor of Guam, with the concurrence of the government comptroller of Guam, has estimated will be collected in or derived from Guam under this section during the next fiscal year, except for those sums covered directly upon collection into the treasury of Guam. The Secretary of the Treasury shall deduct from or add to the amounts so remitted the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of Public Law 94-395 (90 Stat. 1199) or Public Law 88-170, as amended (82 Stat. 863).

(As amended Oct. 5, 1984, Pub. L. 98-454, title VI, § 601(h), 98 Stat. 1736.)

AMENDMENTS

1984—Pub. L. 98-454 inserted "(including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam)" after "inhabitants of Guam" in first sentence.

SUBCHAPTER III—THE LEGISLATURE

§ 1423. Legislature of Guam

[*See main edition for text of* (*a*) *and* (*b*)]

(c) Reapportionment; Federal census base

Any districting and related apportionment pursuant to this section shall be based upon the then most recent Federal population census of Guam, and any such districting and apportionment shall be reexamined following each successive Federal population census of Guam and shall be modified, if necessary, to be consistent with that census.

[*See main edition for text of* (*d*)]

(As amended Dec. 8, 1983, Pub. L. 98-213, § 5(b), 97 Stat. 1460.)

AMENDMENTS

1983—Subsec. (c). Pub. L. 98-213 substituted "Any" for "The laws of Guam shall not alter the manner in which members of the legislature are to be elected as provided in subsection (b) of this section more often than at ten-year intervals: *Provided*, That any".

§ 1423a. Power of legislature; limitation on indebtedness of Guam; bond issues; guarantees for purchase by Federal Financing Bank of Guam Power Authority bonds or other obligations; interest rates; default

The legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam: *Provided, however*, That no public indebtedness of Guam shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. The Secretary of the Interior (hereafter in this section referred to as "Secretary") is authorized to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before December 31, 1978, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976 and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than $36 million, and such bank, in addition to its other powers, is authorized to purchase, receive or otherwise acquire these same. The interest rate on obligations purchased by the Federal Financing Bank shall be not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum, plus 1 per centum per annum. The Secretary, with the concurrence of the Secretary of the Treasury, may extend the guarantee provision of the previous sentence until December 31, 1980. The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with section 2285 of title 12. At the request of the Board of Directors of the Guam Power Authority for a second refinancing agreement and conditioned on the approval of the Government of Guam pursuant to the law of Guam, and conditioned on the establishment of an independent rate-making authority by the Government of Guam, the Secretary may guarantee for purchase by the Federal Financing Bank, on or before December 31, 1984, according to an agreement that shall provide for—

(a) substantially equal semiannual installments of principal and interest;

(b) maturity of obligations no later than December 31, 2004;

(c) authority for the Secretary, should there be a violation of a provision of this legislation, or covenants or stipulations contained in the refinancing document and after giving sixty days notice of such violation to the Guam Power Authority and the Governor of Guam, to dismiss members of the Board of Directors or the general manager of the Guam Power Authority, and (1) appoint in their place members or a general manager who shall serve at the pleasure of the Secretary, or (2) contract for the management of the Guam Power Authority; and

(d) an annual simple interest rate of seven per centum; and

the Federal Financing Bank shall purchase such Guam Power Authority obligations if such Guam Power Authority obligations are issued to refinance the principal amount scheduled to mature on December 31, 1990. Should such second refinancing occur, (1) the independent rate-making authority to be established by the Government of Guam, or in its absence, the Board of Directors of the Guam Power Authority, shall establish rates sufficient to satisfy all financial obligations and future capital investment needs of the Guam Power Authority that shall be consistent with generally accepted rate-making practices of public utilities, and (2) the Government of Guam shall not modify the requirements of such refinancing agreement without agreement of the Secretary. There are authorized to be appropriated to the Secretary of the Interior for payment to the Federal Financing Bank such sums as are necessary to pay (1) the repurchase payment required under the fifth paragraph of the December 31, 1980, note from the Guam Power Authority to the Federal Financing Bank and any subsequent repurchase payments required under the second refinancing agreement, and (2) the interest rate differential between the seven per centum to be paid by the Guam Power Authority and the second refinancing agreement and the interest rate that would otherwise be determined in accordance with the above cited section 2285 of title 12. Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this section, the Secretary of the Treasury, upon notice from the Secretary shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to section 1421h of this title. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power Authority pursuant to this guarantee. For the purpose of this chapter, under section 3713(a) of title 31 the term "person" includes the government of Guam and the Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.

(As amended Oct. 5, 1984, Pub. L. 98-454, title II, § 203, 98 Stat. 1733.)

AMENDMENTS

1984—Pub. L. 98-454 added provisions relating to authority of Secretary to guarantee for purchase by the Federal Financing Bank, obligations of the Guam Power Authority to be used for a second refinancing of the principal amount due to mature on December 31, 1990.

§ 1423l. Purchases

[*See main edition for text*]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1238.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Organic Act of Guam which comprises this chapter.

Section, as it relates to the Virgin Islands and American Samoa, and the Trust Territory of the Pacific Islands, is classified to sections 1401f, 1665, and 1682, respectively, of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1851.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 931.

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

SUBCHAPTER IV—THE JUDICIARY

§ 1424. District Court of Guam; local courts; jurisdiction

(a) District Court of Guam; local courts

The judicial authority of Guam shall be vested in a court of record established by Congress, designated the "District Court of Guam," and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424-1 of this title.

(b) Jurisdiction

The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, and that of a bankruptcy court of the United States.

(c) Original jurisdiction

In addition to the jurisdiction described in subsection (b) of this section, the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VIII, §§ 801, 803, title X, § 1001, 98 Stat. 1741, 1743, 1745.)

Amendments

1984—Pub. L. 98-454 amended section generally, deleting language which directed that no provisions of any rules which authorized or required trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, repealed that portion of section 1 of act Aug. 27, 1954, which had inserted such language originally, repealed section 335 of Pub. L. 95-598, which had amended this section, and transferred out of this section into sections 1424-1 to 1424-4, with amendments, the remaining provisions formerly set out in this section relating to the creation, jurisdiction, and rules governing procedure in the Guam judicial system.

Effective Date of 1984 Amendment

Section 1005 of Pub. L. 98-454 provided that: "Titles VII, VIII, IX, and X of this Act [enacting sections 1424-1 to 1424-4, 1493, and 1613a of this title, repealing section 1400 of this title, amending sections 1424, 1424b, 1561, 1611, 1612, 1613, 1614, 1615, 1617, 1694, and 1694a to 1694c of this title, and enacting provisions set out as notes under sections 1424b, 1612, and 1614 of this title and section 373 of Title 28, Judiciary and Judicial Procedure] shall become effective on the ninetieth day following their enactment [Oct. 5, 1984]."

Effective Date of 1978 Amendment

Section 402(e) of Pub. L. 95-598, which provided a prospective effective date for the amendment of subsec. (a) by section 335(a) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

Section Referred to in Other Sections

This section is referred to in sections 1421l, 1424-1 of this title; title 28 section 1869; title 42 section 8766.

§ 1424-1. Local courts; composition; appellate court; jurisdiction; practice and procedure; qualifications and duties of judges

(a) Composition; establishment of appellate court

The local courts of Guam shall consist of such trial court or courts as may have been or may hereafter be established by the laws of Guam. On or after the effective date of this Act, the legislature of Guam may in its discretion establish an appellate court.

(b) Jurisdiction

The legislature may vest in the local courts jurisdiction over all causes in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam by section 1424(b) of this title.

(c) Practice and procedure; qualifications and duties of judges

The practice and procedure in the local courts and the qualifications and duties of the judges thereof shall be governed by the laws of Guam and the rules of those courts.

(Aug. 1, 1950, ch. 512, § 22A, as added Oct. 5, 1984, Pub. L. 98-454, title VIII, § 801, 98 Stat. 1742.)

References in Text

The effective date of this Act, referred to in subsec. (a), is the effective date of title VIII of Pub. L. 98-454, which is 90 days after Oct. 5, 1984.

Effective Date

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1424, 1424-2, 1424-3 of this title.

§ 1424-2. Relations between courts of United States and courts of Guam; review by United States Court of Appeals for Ninth Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the local courts of Guam with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1424-1(a) of this title, the United States Court of Appeals for the Ninth Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of Guam from which a decision could be had. The Judicial Council of the Ninth Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.[1]

(Aug. 1, 1950, ch. 512, § 22B, as added Oct. 5, 1984, Pub. L. 98-454, title VIII, § 801, 98 Stat. 1742.)

Effective Date

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

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[1] So in original. Probably should be "section".

§ 1424-3. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals; to appellate court

(a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1424-1(a) of this title, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1424b of this title: *Provided*, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1424-1(a) of this title all appeals from the decisions of the local courts not previously taken must be taken to the appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(Aug. 1, 1950, ch. 512, § 22C, as added Oct. 5, 1984, Pub. L. 98-454, title VIII, § 801, 98 Stat. 1742.)

EFFECTIVE DATE

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1424-4. Criminal offenses; procedure; definitions

Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and notwithstanding the provision in rule 54(a) Federal Rules of Criminal Procedure relating to the prosecution of criminal offenses on Guam by information, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the District Court of Guam and appeals therefrom; except that the terms, "Attorney for the government" and "United States attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, including the Guam Territorial income tax, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

(Aug. 1, 1950, ch. 512, § 22D, as added Oct. 5, 1984, Pub. L. 98-454, title VIII, § 801, 98 Stat. 1743.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in text, are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1424b. Judge of District Court; appointment, tenure, removal, and compensation; appointment of United States attorney and marshal

(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of ten years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of a local court of record or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit or a recalled senior judge of the District Court of Guam or of the District Court for the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VIII, § 802, 98 Stat. 1743.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454, § 802(a)-(c), substituted "for the term of ten years" for "for a term of eight years" in first par., and, in second par., substituted "a local court of record" for "the Island Court of Guam" and added "or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands" after "ninth circuit".

Subsec. (b). Pub. L. 98-454, § 802(d), substituted "35" and "37" for "31" and "33" respectively.

Subsec. (c). Pub. L. 98-454, § 802(e), struck out subsec. (c) which provided that chapters 43 and 49 of title 28 shall apply to the District Court of Guam.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendments by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EXTENSION OF TERM OF DISTRICT JUDGES; APPLICABILITY; EFFECTIVE DATE

Section 1004 of Pub. L. 98-454 provided that: "The provisions of sections 706(a), 802(a), and 901(a) of this Act [amending sections 1614(a), 1424b(b), and 1694(a), respectively, of this title] extending the terms of district court judges of the Virgin Islands, Guam, and the Northern Mariana Islands, respectively, from eight to ten years shall be applicable to the judges of those courts holding office on the effective date of this Act [Oct. 5, 1984]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1424, 1424-3 of this title.

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

Sec.
1453 to 1469-1. Repealed.
1470 to 1488. Repealed or Omitted.
1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders.

§ 1451. Rights of Indians not impaired; boundaries

Nothing in this Title [1] shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term "Territory" does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(As amended Pub. L. 98-213, § 15(a), Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT

This Title, referred to in text, means title XXIII of the Revised Statutes, which consisted of R.S. §§ 1839 to 1976, and, insofar as classified to the Code, was classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables.

AMENDMENTS

1983—Pub. L. 98-213 added provisions excluding from the term "Territory" the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§ 1452. Regulation of Indians

Nor shall anything in this Title [1] be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory. As used herein, the term "Territory" does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(As amended Pub. L. 98-213, § 15(b), Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT

This Title, referred to in text, means title XXIII of the Revised Statutes, which consisted of R.S. §§ 1839 to 1976, and, insofar as classified to the Code, was classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables.

AMENDMENTS

1983—Pub. L. 98-213 added provisions excluding from the term "Territory" the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§§ 1453 to 1455. Repealed. Pub. L. 98-213, § 16(c)-(f), Dec. 8, 1983, 97 Stat. 1462

Section 1453, R.S. § 1841, related to the powers, duties and term of office of the governor of each Territory, in whom the executive power was vested.

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[1] See References in Text note below.

Section 1453a, R.S. § 1873, related to the temporary definition by proclamation, by the governor, of the judicial districts of such Territory, and assignment of judges appointed for such Territory to the several districts as well as fixing of times and places for holding courts.

Section 1454, R.S. § 1843, related to the appointment and term of office of the Secretary appointed for each Territory, and duties in case of death, removal, resignation or absence of the governor from the Territory.

Section 1455, R.S. § 1844, related to the duties of the secretary regarding the recordation, preservation and publication of all laws and proceedings of the legislative assembly and the governor in the executive department.

§§ 1457 to 1469-1. Repealed. Pub. L. 98-213, § 16(a), (g)-(u), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1457, R.S. § 1855, prohibited the making or enforcement of any law of any Territorial legislature by which the governor, secretary or members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States.

Section 1458, R.S. § 1857, related to the appointment or election of all township, district and county officers, except justices of the peace and general officers of the militia, and the appointment of all other officers by the governor, except in the first instance where a new Territory is created, all officers to be appointed by the governor.

Section 1459, R.S. § 1858, related to the filling of vacancies, during recess of the legislative council, of offices which, under the organic act of any Territory, were required to be filled by the governor with the advice and consent of such council.

Section 1460, R.S. § 1860; Mar. 3, 1883, ch. 134, 22 Stat. 567; July 31, 1939, ch. 399, 53 Stat. 1143, related to the qualification of voters at all elections subsequent to the first election, in any newly created Territory, as well as at all elections in Territories already organized.

Section 1460a, R.S. § 1854; Feb. 22, 1889, ch. 180, 25 Stat. 676; Nov. 11, 1889, No. 8, 26 Stat. 1552, 1553, restricted a member of the legislative assembly from holding any office created, or the salary of which has been increased, by the legislature of which he was a member, during the term for which he was elected and for one year thereafter.

Section 1461, act Mar. 22, 1882, ch. 47, § 8, 22 Stat. 31, prohibited polygamists, bigamists, etc., from voting or holding office in any Territory.

Section 1462, act June 19, 1878, ch. 329, § 1, 20 Stat. 193, related to the number and compensation of subordinate officers of each branch of the Territorial legislature.

Section 1463, R.S. § 1868, related to the chancery and common-law jurisdiction of the supreme and district courts.

Section 1463a, R.S. § 1864, related to the membership, quorum, and term of office of the supreme court of every Territory.

Section 1464, act Apr. 7, 1874, ch. 80, § 1, 18 Stat. 27, confirmed the right to mingle the exercise of common-law and chancery jurisdiction in the courts of the several Territories, provided no party was deprived of the right to trial by jury in cases cognizable at common law.

Section 1465, R.S. § 1878, related to the oath of office, and certification thereof, by the governor, secretary, chief justice, associate justices and all other civil officers.

Section 1466, act May 1, 1876, ch. 88, 19 Stat. 43, related to the time when payment of salaries of all officers of the Territories was to commence.

Section 1467, R.S. § 1883; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118, related to the fees and costs allowed United States attorneys, marshals, clerks of courts, jurors, etc.

Section 1468, R.S. § 1884; June 10, 1921, ch. 18, § 304, 42 Stat. 24, prohibited the payment of salaries to any officer of a Territory absent therefrom, unless good cause was shown to the President.

Section 1469, R.S. § 1886; June 10, 1921, ch. 18, § 304, 42 Stat. 24, related to accounts and disbursements of the Territories for support of government.

Section 1469-1, act Mar. 4, 1915, ch. 141, § 1, 38 Stat. 1021; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24, related to the transmittal of the accounts and vouchers relating to the expenditure of the appropriations for government in the Territories to the Secretary of the Interior for administrative examination and by him to the General Accounting Office.

§ 1469a. Congressional declaration of policy respecting "Insular Areas"

AMENDMENT OF SUBSECTION (d)

Pub. L. 96-205, title VI, § 601, Mar. 12, 1980, 94 Stat. 90, as amended Pub. L. 98-213, § 6, Dec. 8, 1983, 97 Stat. 1460; Pub. L. 98-454, title VI, § 601(b), Oct. 5, 1984, 98 Stat. 1736, provided that this section shall be applied with respect to the Department of the Interior by substituting "shall" for "may" in the last sentence of subsection (d), and adding the following sentence at the end of subsection (d): "Notwithstanding any other provision of law, in the case of American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under $200,000 (including in-kind contributions) required by law to be provided by American Samoa, Guam, the Virgin Islands, or the Northern Mariana Islands.".

§ 1469b. Auditing of transactions of Territorial and local governments

[*See main edition for text*]

(Pub. L. 99-190, § 101(d) [title I, § 100], Dec. 19, 1985, 99 Stat. 1224, 1238.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1851.

Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 931.

Pub. L. 97-394, title I, § 100, Dec. 30, 1982, 96 Stat. 1979.

§ 1470. Repealed. Pub. L. 98-213, § 16(v), Dec. 8, 1983, 97 Stat. 1463

Section, R.S. § 1888, prohibited any Territorial legislative assembly from exceeding the amount appropriated by Congress for its annual expenses.

§ 1470a. Omitted

CODIFICATION

Section, act Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 931, which provided that appropriations available for administration of Territories could be expended for purchase, etc., of surface vessels for official purposes and for commercial transportation expenses, was from the Department of the Interior and Related Agencies Appropriation Act, 1984, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.
Dec. 23, 1981, Pub. L. 97-100, title I, § 100, 95 Stat. 1401.
Dec. 12, 1980, Pub. L. 96-514, title I, § 100, 94 Stat. 2969.
Nov. 27, 1979, Pub. L. 96-126, title I, § 100, 93 Stat. 965.
Oct. 17, 1978, Pub. L. 95-465, title I, § 100, 92 Stat. 1289.
July 26, 1977, Pub. L. 95-74, title I, § 100, 91 Stat. 295.
July 31, 1976, Pub. L. 94-373, title I, § 100, 90 Stat. 1052.
Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 987.
Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 812.
Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 433.
Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 512.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.
June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 265.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 264.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 1, 68 Stat. 372.

§§ 1471 to 1479. Repealed. Pub. L. 98-213, § 16(w)-(ee), Dec. 8, 1983, 97 Stat. 1463

Section 1471, act July 30, 1886, ch. 818, § 1, 24 Stat. 170, prohibited the legislatures of the Territories of the United States from passing local or special laws in certain enumerated cases.

Section 1472, acts July 30, 1886, ch. 818, § 4, 24 Stat. 171; Aug. 22, 1911, ch. 43, 37 Stat. 33, related to limitations on the indebtedness of political or municipal corporations and county or other subdivisions in any Territory.

Section 1473, act July 30, 1886, ch. 818, § 3, 24 Stat. 171, limited the authority of the Territorial legislature to contract any debt by or on behalf of such Territory to certain enumerated cases.

Section 1474, act July 19, 1888, ch. 679, § 2, 25 Stat. 336, related to the creation by Territorial legislatures of new counties and location of county seats.

Section 1475, act July 30, 1886, ch. 818, § 2, 24 Stat. 171, prohibited the Territorial legislature or political subdivision thereof from subscribing to the capital stock of, or loaning its credit to, any incorporated company or association.

Section 1476, act Mar. 4, 1898, ch. 35, 30 Stat. 252, authorized the issuance of bonds by chartered municipal corporations for sanitary and health purposes, free of certain debt limitations.

Section 1477, act June 6, 1900, ch. 820, 31 Stat. 683, authorized the issuance of bonds by chartered municipal corporations for erection of city buildings, free of certain debt limitations.

Section 1478, act July 30, 1886, ch. 818, § 6, 24 Stat. 171, prohibited the construction of any provision to abridge the power of Congress from annulling any law of a Territorial legislature, or modifying any existing law of Congress requiring that laws of any Territory be submitted to Congress.

Section 1479, act July 30, 1886, ch. 818, § 7, 24 Stat. 171, declared null and void any acts passed by any Territorial legislature after July 30, 1886, in conflict with specific sections of this title.

§§ 1481 to 1485. Repealed. Pub. L. 98-213, § 16(ff)-(jj), Dec. 8, 1983, 97 Stat. 1463

Section 1481, act June 16, 1880, ch. 235, 21 Stat. 277, related to the care and custody of convicts.

Section 1482, R.S. § 1892, placed any penitentiary erected or to be erected under the care and control of the marshal of the United States for the Territory or District in which situated.

Section 1483, R.S. § 1893, related to promulgation of rules and regulations by the Attorney General of the United States for the government of such penitentiaries, and compensation of marshals and their deputies.

Section 1484, R.S. § 1894, related to charging compensation and subsistence and employment expenses of offenders sentenced to imprisonment in such penitentiaries.

Section 1485, R.S. § 1895, related to imprisonment at the cost of the Territory in such penitentiaries of persons convicted for violation of laws of the Territory.

§§ 1487, 1488. Repealed. Pub. L. 98-213, § 16(b), (kk), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1487, act June 22, 1874, ch. 388, 18 Stat. 135, related to the calling of an extraordinary session of the Territorial legislature with the approval of the President of the United States.

Section 1488, act Apr. 16, 1880, ch. 56, 21 Stat. 74, related to the filling of vacancies in the office of justice of the peace by appointment or election, until a successor was regularly elected and qualified as provided by law.

§ 1492. Energy resources of Caribbean and Pacific insular areas

[See main edition for text of (a) to (c)]

(d) Demonstration of cost effective renewable energy technologies

The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs and may implement any projects or programs contained in recommendations of the plan.

[See main edition for text of (e) and (f)]

(As amended Pub. L. 98-213, § 7, Dec. 8, 1983, 97 Stat. 1460.)

AMENDMENTS

1983—Subsec. (d). Pub. L. 98-213 added "and may implement any projects or programs contained in recommendations of the plan".

§ 1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders

The prosecution in a territory or Commonwealth is authorized—unless precluded by local law—to seek review or other suitable relief in the appropriate local or Federal appellate court, or, where applicable, in the Supreme Court of the United States from—

(a) a decision, judgment, or order of a trial court dismissing an indictment or information as to any one or more counts, except that no review shall lie where the constitutional prohibition against double jeopardy would further prosecution;

(b) a decision or order of a trial court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the prosecution certifies to the trial court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding; and

(c) an adverse decision, judgment, or order of an appellate court.

(Pub. L. 98-454, title X, § 1003, Oct. 5, 1984, 98 Stat. 1746.)

EFFECTIVE DATE

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

CHAPTER 12—THE VIRGIN ISLANDS

SUBCHAPTER V—JUDICIAL BRANCH

Sec.
1611. District Court of the Virgin Islands; local courts; jurisdiction; practice and procedure.
    (a) District Court of the Virgin Islands; local courts.
    (b) Jurisdiction.
    (c) Practice and procedure.
1612. Jurisdiction of District Court.
    (a) Jurisdiction.
    (b) General jurisdiction; limitations.
    (c) Criminal offenses; concurrent jurisdiction with local courts.
1613. Relations between courts of United States and courts of Virgin Islands; review by Court of Appeals for Third Circuit; reports to Congress; rules.
1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Third Circuit; rules; appeals to appellate court.
    (a) Appellate jurisdiction of District Court.
    (b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions.
Sec.
    (c) United States Court of Appeals for Third Circuit; jurisdiction; appeals; rules.
    (d) Appeals to appellate court; effect on District Court.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1543. United States citizenship requirement for government officials

All members of the Legislature of the Virgin Islands, the Governor, the Lieutenant Governor, all judges and all officials of the government of the Virgin Islands who report directly to the Governor shall be citizens of the United States.

(As amended Dec. 8, 1983, Pub. L. 98-213, § 5(a), 97 Stat. 1460.)

AMENDMENTS

1983—Pub. L. 98-213 amended section generally, substituting provisions requiring United States citizenship for all members of the Legislature of the Virgin Islands, the Governor, Lieutenant Governor and all officials who report directly to the Governor for provisions requiring such citizenship for all officers of the Virgin Islands, and struck out provisions requiring written oaths and prescribing the oath.

SUBCHAPTER II—BILL OF RIGHTS

§ 1561. Rights and prohibitions

[See main edition for text of first to twenty-second pars.]

The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; article VI, clause 3; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: *Provided, however,* That all offenses against the laws of the United States and the laws of the Virgin Islands which are prosecuted in the district court pursuant to sections[1] 1612(a) and (c) of this title may be had by indictment by grand jury or by information, and that all offenses against the laws of the Virgin Islands which are prosecuted in the district court pursuant to section 1612(b) of this title or in the courts established by local law shall continue to be prosecuted by information, except such as may be required by local law to be prosecuted by indictment by grand jury.

[See main edition for text of last par.]

(As amended Dec. 8, 1983, Pub. L. 98-213, § 5(d), 97 Stat. 1460; Oct. 5, 1984, Pub. L. 98-454, title VII, § 701, 98 Stat. 1737.)

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[1] So in original. Probably should be "section".

AMENDMENTS

1984—Pub. L. 98-454 substituted provisions to the effect that offenses prosecuted under section 1612(a) and (c) of this title shall be prosecuted by indictment or information while those prosecuted under section 1612(b) of this title shall be prosecuted by information only, for provisions which provided that all prosecutions would be by information except where provided otherwise by local laws in the proviso in penultimate par.

1983—Pub. L. 98-213 added "article VI, clause 3;" in penultimate par.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

SUBCHAPTER III—LEGISLATIVE BRANCH

§ 1574. Legislative powers and activities

[*See main edition for text of* (*a*)]

(b) Government bonds; maximum amount; sale, interest, etc.

(i) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a public improvement or public undertaking authorized by an act of the legislature. Such bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such public improvement, public undertaking, or other project. Bonds issued pursuant to paragraph (i) may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds may be redeemable (either with or without premium) or nonredeemable. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States.

[*See main edition for text of* (*ii*)]

(iii)(A) The legislature of the government of the Virgin Islands may cause to be issued after September 30, 1984, industrial development bonds (within the meaning of section 103(b)(2) of title 26).

(B) Except as provided in subparagraph (C), any obligation issued under subparagraph (A) and the income from such obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

(C) Any obligation issued under subparagraph (A) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

(D) For purposes of this paragraph—

(I) The term "State" includes the District of Columbia.

(II) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

(E) For exclusion of interest for purposes of Federal income taxation, see section 103 of title 26.

[*See main edition for text of* (*c*) *to* (*f*)]

(As amended Oct. 5, 1984, Pub. L. 98-454, title II, § 201, 98 Stat. 1732.)

AMENDMENTS

1984—Subsec. (b)(i), (iii). Pub. L. 98-454 struck out "shall be sold at public sale and" before "may be redeemable" in fourth sentence of par. (i) and added par. (iii).

§ 1574b. Federal guarantee for issuance of revenue bonds or other obligations

[*See main edition for text of* (*a*)]

(b) Terms and conditions of guarantee or commitment to guarantee; determination by the Secretary of approval

The Secretary is authorized, with the approval of the Secretary of the Treasury, to guarantee and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal and interest on bonds and other obligations issued by the government of the Virgin Islands under subsection (a) of section 1574a of this title. No guarantee or commitment to guarantee shall be made unless the Secretary determines—

(1) that the proceeds of such issue will be used only for public works or other capital projects, except that $28,000,000 of the guaranteed bonding authority will be used for water producing and power projects, including maintenance and overhaul of electrical generating and distribution mechanisms, and $12,000,000 of the guaranteed bonding authority will be used for repair and improvements of the water distribution and storage systems;

[*See main edition for text of* (*2*) *to* (*4*); (*c*) *to* (*e*)]

(f) Maximum amount guaranteed; time limitations on commitments to guarantee, obligation of guaranteed but unobligated funds, and repayment of unobligated proceeds of bonds or other obligations

The aggregate principal amount of obligations which may be guaranteed under this Act shall not exceed $101,000,000. No commitment to guarantee may be issued by the Secretary, and no guaranteed but unobligated funds may be obligated by the government of the Virgin Islands after October 1, 1990. After October 1, 1990, any unobligated proceeds of bonds or other obligations issued by the government of the Virgin Islands pursuant to this section shall be repaid immediately by the government of the Virgin Islands to the lenders with the agreed upon interest. Should there be any delay in the government of the Virgin Islands' making such repayment, the Secretary shall deduct the requisite amounts from moneys under his control that would otherwise be paid to the government of the Virgin Islands under section 7652(b)(3) of title 26.

[*See main edition for text of* (*g*)]

(As amended Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 931, 932; Pub. L. 98-213, § 4(b), Dec. 8, 1983, 97 Stat. 1460.)

AMENDMENTS

1983—Subsec. (b)(1). Pub. L. 98-213, § 4(b)(1), Pub. L. 98-146, § 100(1), made nearly identical amendments relating to the use of the amounts of $28,000,000 and $12,000,000 of the guaranteed bonding authority. The text reflects the amendment by Pub. L. 98-213.

Subsec. (f). Pub. L. 98-213, § 4(b)(2), Pub. L. 98-146, § 100(2), amended subsec. (f) identically, substituting "$101,000,000" for "$61,000,000" and "1990" for "1984" in two places.

SUBCHAPTER IV—EXECUTIVE BRANCH

§ 1591. Governor and Lieutenant Governor; election; eligibility; official residence; powers and duties; report

[*See main edition for text of first par.*]

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands.

[*See main edition for text of third to fifth pars.*]

(As amended Oct. 5, 1984, Pub. L. 98-454, title V, § 502, 98 Stat. 1735.)

AMENDMENTS

1984—Par. (2). Pub. L. 98-454 substituted "Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands" for "Saint Croix free of rent".

SUBCHAPTER V—JUDICIAL BRANCH

§ 1611. District Court of the Virgin Islands; local courts; jurisdiction; practice and procedure

(a) District Court of the Virgin Islands; local courts

The judicial power of the Virgin Islands shall be vested in a court of record designated the "District Court of the Virgin Islands" established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.

(b) Jurisdiction

The legislature of the Virgin Islands may vest in the courts of the Virgin Islands established by local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 1612(a) and (c) of this title.

(c) Practice and procedure

The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VII, § 702, 98 Stat. 1737.)

AMENDMENTS

1984—Pub. L. 98-454 designated existing provisions as subsec. (a), in subsec. (a) as so designated added "established by Congress" before "and in such" and substituted "appellate court and lower local courts as may have been or may hereafter be established by local law" for "court or courts of inferior jurisdiction as have been or may hereafter be established by local law", and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1613a of this title; title 28 section 1869; title 42 section 8768.

§ 1612. Jurisdiction of District Court

(a) Jurisdiction

The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States attorney for the Virgin Islands, notwithstanding the provisions of section 1617 of this title.

(b) General jurisdiction; limitations

In addition to the jurisdiction described in subsection (a) the District Court of the Virgin Islands shall have general original jurisdiction in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands: *Provided*, That the jurisdiction of the District Court of the Virgin Islands under this subsection shall not extend to civil actions wherein the matter in controversy does not exceed the sum or value of $500, exclusive of interest and costs; to criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of $100 or imprisonment for six months, or both; and to violations of local police and executive regulations. The courts established by local law shall have jurisdiction over the civil actions, criminal cases, and violations set forth in the preceding proviso. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by local law for the purposes of determining the availability of indictment by grand jury or trial by jury.

(c) Criminal offenses; concurrent jurisdiction with local courts

The District Court of the Virgin Islands shall have concurrent jurisdiction with the courts of the Virgin Islands established by local law over those offenses against the criminal laws of the Virgin Islands, whether felonies or misdemeanors or both, which are of the same or similar character or part of, or based on, the same act or transaction or two or more acts or transactions connected together or constituting part of a common scheme or plan, if such act or transaction or acts or transactions also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction pursuant to subsections (a) and (b) of this section.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VII, § 703(a), title X, § 1001, 98 Stat. 1738, 1745.)

AMENDMENTS

1984—Pub. L. 98-454 amended section generally, designating existing provisions as subsec. (a), in subsec. (a) as so designated, substituted provisions that District Court would have all jurisdiction of a district court of the United States, including diversity jurisdiction and bankruptcy jurisdiction as well as civil and criminal matters regarding the income tax laws applicable to the Virgin Islands for former provisions conferring general jurisdiction on the court and providing for the transfer of cases, repealed section 336 of Pub. L. 95-598, which had amended this section, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 402(e) of Pub. L. 95-598, which provided a prospective effective date for the amendment of this section by section 336(a) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

JURISDICTION OF DISTRICT COURT OVER PENDING CASES

Section 703(b) of Pub. L. 98-454 provided that: "The provisions of this section shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title] and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the provisions of this amendatory Act [Pub. L. 98-454]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1561, 1611, 1614 of this title.

§ 1613. Relations between courts of United States and courts of Virgin Islands; review by United States Court of Appeals for Third Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the courts established by local law with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1611(a) of this title, the United States Court of Appeals for the Third Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of the Virgin Islands from which a decision could be had. The Judicial Council of the Third Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this section.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VII, § 704, 98 Stat. 1739.)

AMENDMENTS

1984—Pub. L. 98-454 amended section generally, substituting provisions relating to the relations between local law courts and already established courts under the Constitution or laws of the United States with respect to appeals, certiorari, etc. and providing that the Court of Appeals for the Third Circuit shall have jurisdiction to review all final decisions from the highest court of the Virgin Islands for fifteen years after the appellate court is established for former provisions relating to the jurisdiction of inferior courts, transfer of actions, status as committing court, bail and rules.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

§ 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Third Circuit; rules; appeals to appellate court

(a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1611(a) of this title, the District Court of the Virgin Islands shall have such appellate jurisdiction over the courts of the Virgin Islands established by local law to the extent now or hereafter prescribed by local law: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Virgin Islands or of any order or regulation issued or action taken by the executive branch of the government of the Virgin Islands with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of the Virgin Islands shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The chief judge of the district court shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1614(a) of this chapter: *Provided*, That no more than one of them may be a judge of a court established by local law. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure. Appeals pending in the district court on the effective date of this Act[1] shall be heard and determined by a single judge.

(c) United States Court of Appeals for Third Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Third Circuit shall have jurisdiction of appeals from all final decisions of the district court on appeal from the courts established by local law. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1611(a) of this title all appeals from the decisions of the courts of the Virgin Islands established by local law not previously taken must be taken to that appellate court. The establishment of the appellate court shall not result in the loss of jurisdiction of the district court over any appeal then pending in it. The rulings of the district court on such appeals may be reviewed in the United States Court of Appeals for the Third Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(July 22, 1954, ch. 558, § 23A, as added Oct. 5, 1984, Pub. L. 98-454, title VII, § 705, 98 Stat. 1739.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

The effective date of this Act, referred to in subsec. (b), probably means the effective date of title VII of Pub. L. 98-454, which is 90 days after Oct. 5, 1984, and which enacted this section.

EFFECTIVE DATE

Section effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1614. Judges of District Court

(a) Appointment; tenure; removal; chief judge; compensation

The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of ten years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The judge of the district court who is *senior in continuous service* and who otherwise qualifies under section 136(a) of title 28 shall be the chief judge of the court. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of a court of record of the Virgin Islands established by local law, or a circuit or district judge of the Third Judicial Circuit, or a recalled senior judge of the District Court of the Virgin Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

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[1] See References in Text note below.

(b) Criminal offenses; procedure; definitions; indictment and information

Where appropriate, the provisions of part II of title 18 and of title 28 and, notwithstanding the provisions of rule 7(a) and of rule 54(a) of the Federal Rules of Criminal Procedure relating to the requirement of indictment and to the prosecution of criminal offenses in the Virgin Islands by information, respectively, the rules of practice heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the district court and appeals therefrom: *Provided,* That the terms "Attorney for the government" and "United States attorney" as used in the Federal Rules of Criminal Procedure, shall, when applicable to causes arising under the income tax laws applicable to the Virgin Islands, mean the Attorney General of the Virgin Islands or such other person or persons as may be authorized by the laws of the Virgin Islands to act therein: *Provided further,* That in the district court all criminal prosecutions under the laws of the United States, under local law under section 1612(c) of this title, and under the income tax laws applicable to the Virgin Islands may be had by indictment by grand jury or by information: *Provided further,* That an offense which has been investigated by or presented to a grand jury may be prosecuted by information only by leave of court or with the consent of the defendant. All criminal prosecutions arising under local law which are tried in the district court pursuant to section 1612(b) of this title shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.

[*See main edition for text of* (c)]

(As amended Oct. 5, 1984, Pub. L. 98–454, title VII, § 706(a), (b), 98 Stat. 1740.)

References in Text

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

Amendments

1984—Subsec. (a). Pub. L. 98–454, § 706(a), substituted provisions extending the term of a judge of the district court from eight to ten years, further substituted "of a court of the Virgin Islands established by local law," for "a judge of the municipal court of the Virgin Islands," in third sentence, and added provisions regarding the designation of the chief judge.

Subsec. (b). Pub. L. 98–454, § 706(b), substituted provisions relating to criminal procedure in the district courts for former provisions which related to the chief judge of the district court and which are now set out in subsec. (a).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98–454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as a note under section 1424 of this title.

Chief Judge; District Court; Determination and Qualifications

Section 706(c) of Pub. L. 98–454 provided that: "The provisions of subsection (a) of this section regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title]."

Extension of Term of District Judges

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1004 of Pub. L. 98–454, set out as a note under section 1424b of this title.

Section Referred to in Other Sections

This section is referred to in section 1613a of this title.

§ 1615. Judicial divisions; places for holding court

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. Court for the Division of Saint Croix shall be held in Christiansted, and for the Division of Saint Thomas and Saint John at Charlotte Amalie.

(As amended Oct. 5, 1984, Pub. L. 98–454, title VII, § 707, title X, § 1001, 98 Stat. 1741, 1745.)

Amendments

1984—Pub. L. 98–454 amended section generally, adding provisions setting forth places for the holding of court of each judicial division and striking out provisions relating to the applicability of procedural rules and prosecutions by information and indictment, which are now covered under section 1614 of this title, and repealed section 336 of Pub. L. 95–598 which had amended this section.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98–454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as a note under section 1424 of this title.

Effective Date of 1978 Amendment

Section 402(e) of Pub. L. 95–598, which provided a prospective effective date for the amendment of this section by section 336(b) of Pub. L. 95–598, was repealed by section 1001 of Pub. L. 98–454.

§ 1617. United States attorney; appointment; duties

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 35 of title 28, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the courts established by local law. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States attorney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the courts established by local law.

(As amended Oct. 5, 1984, Pub. L. 98-454, title VII, § 708, 98 Stat. 1741.)

Amendments

1984—Pub. L. 98-454 substituted "courts established by local law" for "inferior courts of the Virgin Islands" wherever appearing and struck out provisions relating to vacancies in the office of United States attorney for the Virgin Islands.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1642. Use of certain proceeds for expenditure; income tax obligations of inhabitants

Section Referred to in Other Sections

This section is referred to in title 26 sections 934, 957, 7651.

CHAPTER 13—EASTERN SAMOA

Sec.
1662a. Amendment of constitution of American Samoa.
1670. Industrial development bonds.
  (a) Issuance.
  (b) Exemption from taxation; "State" defined.
  (c) Cross reference.

§ 1662a. Amendment of constitution of American Samoa

Amendments of, or modifications to, the constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by Act of Congress.

(Pub. L. 98-213, § 12, Dec. 8, 1983, 97 Stat. 1462.)

References in Text

Executive Order 10264, referred to in text, is set out under section 1662 of this title.

§ 1664. Coastwise shipping laws of United States inapplicable

Cross References

Transportation of merchandise between points in United States in other than domestic-built and documented vessels, see section 883 of Title 46, Appendix, Shipping.

§ 1665. Purchases by governments of Samoa

[*See main edition for text*]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1238.)

Codification

Section is from the appropriation act cited as the credit to this section.

Section, as it relates to the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands, is classified to sections 1401f, 1423*l*, and 1682, respectively, of this title.

Similar Provisions

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1851.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 931.

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

§ 1670. Industrial development bonds

(a) Issuance

The legislature of the government of American Samoa may cause to be issued after September 20, 1984, industrial development bonds (within the meaning of section 103(b)(2) of title 26).

(b) Exemption from taxation; "State" defined

(1) Except as provided in paragraph (2), any obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

(2) Any obligation issued under subsection (a) of this section shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

(3) For purposes of this subsection—

(A) The term "State" includes the District of Columbia.

(B) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

(c) Cross reference

For exclusion of interest for purposes of Federal income taxation, see section 103 of title 26.

(Pub. L. 98-454, title II, § 202, Oct. 5, 1984, 98 Stat. 1733.)

CHAPTER 14—TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec.
1686, 1687. Omitted.
1694b. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules.
  (a) Appellate jurisdiction of District Court.

Sec.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules.

§ 1681. Continuance of civil government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement

Plans for Development, Utilization, and Conservation of Water and Related Land Resources of the Commonwealth of the Northern Mariana Islands

Pub. L. 98-213, § 13, Dec. 8, 1983, 97 Stat. 1462, provided that:

"(a) The Secretary of the Army, acting through the Chief of Engineers and in cooperation with the Commonwealth of the Northern Mariana Islands, is hereby authorized and directed to study and draft plans for development, utilization, and conservation of water and related land resources of the Commonwealth. To carry out the purposes of this section there are authorized to be appropriated effective October 1, 1983, such sums as may be necessary.

"(b) Such studies shall include appropriate consideration of the needs for flood protection; wise use of flood plain lands; navigation facilities; hydroelectric power generation; regional water supply and waste water management facilities systems; general recreational facilities; enhancement and control of water quality; enhancement and conservation of fish and wildlife; and other measures for environment improvement and economic and human resources development. Such studies shall also be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies."

Applicability of Requirement of United States Citizenship or Nationality as Prerequisite of Any Benefit, Right, etc., to Citizens of the Northern Mariana Islands

Pub. L. 98-213, §§ 17-25, Dec. 8, 1983, 97 Stat. 1463-1466, provided that:

"Sec. 17. No provision of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States of America by the United States of America shall bar the United States of America from paying compensation to or employing any citizen of the Northern Mariana Islands.

"Sec. 18. No requirement of United States citizenship in any Federal law which provides Federal services or financial assistance and which is applicable to the Northern Mariana Islands by operation of section 502(a)(1) of the Covenant [set out as a note below] or, if enacted subsequent to March 24, 1976, by its own terms shall bar a citizen of the Northern Mariana Islands from receiving services or assistance pursuant to such law.

"Sec. 19. (a) The President may, subject to the provisions of section 20 of this Act, by proclamation provide that the requirement of United States citizenship or nationality provided for in any of the statutes listed on pages 63-74 of the Interim Report of the Northern Mariana Islands Commission on Federal Laws to the Congress of the United States, dated January 1982 and submitted pursuant to section 504 of the Covenant [set out as a note below], shall not be applicable to the citizens of the Northern Mariana Islands. The President is authorized to correct clerical errors in the list, and to add to it provisions, where it appears from the context that they were inadvertently omitted from the list.

"(b) A statute which denies a benefit or imposes a burden or a disability on an alien, his dependents, or his survivors shall, for the purposes of this Act, be considered to impose a requirement of United States citizenship or nationality.

"Sec. 20. (a) The President may issue one or more proclamations under the authority of this Act.

"(b) When issuing such proclamation or proclamations the President—

"(1) shall take into account:

"(i) the hardship suffered by the citizens of the Northern Mariana Islands resulting from the fact that, while they are subject to most of the laws of the United States, they are denied the benefit of those laws which contain a requirement of United States citizenship or nationality;

"(ii) the responsibilities, obligations, and limitations imposed upon the United States by international law;

"(2) may make the requirement of United States citizenship or nationality inapplicable only to those citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant [set out as a note below] to become a national but not a citizen of the United States;

"(3) may make the requirement of a United States citizenship or nationality inapplicable only in the Northern Mariana Islands;

"(4) may retain the requirement of United States citizenship or nationality with respect to parts of a statute or portion thereof.

"Sec. 21. If the President does not issue any proclamation authorized by section 19 of this Act within a period of six months following the effective date of the Act [Dec. 8, 1983], the requirement of United States citizenship or nationality as a prerequisite of any benefit, right, privilege, or immunity in any statute made applicable to the Northern Mariana Islands by the terms of that statute or by operation of the Covenant shall not be applicable to citizens of the Northern Mariana Islands: *Provided*, That the provisions of this section shall not be applicable to any requirements of United States citizenship or nationality contained in statutes relating to the political rights of citizenship, and to the diplomatic protection of, and services to, citizens or nationals of the United States in foreign countries: *Provided further*, That with respect to the statutes relating to the uniformed services, the requirement of United States citizenship or nationality shall remain in effect, except with respect to those citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant [set out as a note below] to become a national but not a citizen of the United States.

"Sec. 22. Nothing in this Act shall be construed as extending to the Northern Mariana Islands any statutory provision or regulation not otherwise applicable to or within the Northern Mariana Islands, in particular the statutes relating to immigration and nationality and the regulations issued under them.

"Sec. 23. The authority of the President to issue proclamations under section 19 of this Act shall terminate upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant [set out as a note below]. Section 21 of this Act shall not become effective if the Commonwealth of the Northern Mariana Islands is established within the period of six months following the effective date of this Act [Dec. 8, 1983].

"Sec. 24. As used in this Act:

"(a) 'Covenant' means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by the Joint Resolution of March 24, 1976 (90 Stat. 263, 48 U.S.C. 1681, note).

"(b) 'Citizen of the Northern Mariana Islands' means a citizen of the Trust Territory of the Pacific

Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—

"(1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or

"(2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975.

"(c) 'Domicile' means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

"Sec. 25. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant [set out as a note below], the benefits acquired under this Act shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant [set out as a note below] to become a national but not a citizen of the United States."

Exemption From Taxation Requirements of Section 601 of Covenant Respecting Commonwealth of Northern Mariana Islands for Income Derived From Sources Within Commonwealth; Applicability, etc.

Pub. L. 96-205, title II, § 205, Mar. 12, 1980, 94 Stat. 87, as amended by Pub. L. 96-597, title III, § 303(a), Dec. 24, 1980, 94 Stat. 3478; Pub. L. 98-213, § 3(a), (b), Dec. 8, 1983, 97 Stat. 1459, provided that:

"(a) Except as provided in subsection (c), any person, including an individual, trust, estate, partnership, association, company, or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States (Public Law 94-241) [set out as a note below], shall be exempted from the requirements of such section with respect to income derived from sources within the Commonwealth of the Northern Mariana Islands for taxable years beginning after December 31, 1978, until, but not after, January 1, 1985. Nothing in this section shall be construed as rehieving such person from the obligation to comply with the requirements of section 601 with respect to income derived from sources outside of the Commonwealth of the Northern Mariana Islands.

[*See main edition for text of* (*b*)]

"(c) As provided in section 602 of Public Law 94-241 (90 Stat. 263, 270) [set out as a note below] the term 'rebate of any taxes' shall, effective January 1, 1985, apply only to the extent taxes have actually been paid pursuant to section 601 of said Act [set out as a note below], shall not exceed the amount of tax actually paid for any tax year, and may only be paid following the close of the tax year involved. Notwithstanding any other provision of law, effective January 1, 1985, the Commonwealth of the Northern Mariana Islands shall maintain, as a matter of public record, the name and address of each person receiving such a rebate, together with the amount of the rebate, and the year for which such rebate was made."

Medical Care and Treatment and Environmental Research and Monitoring Program for Inhabitants of Bikini, etc., Atolls for Injury, Illness, or Condition Resulting From Nuclear Weapons Testing by United States; Implementation Plan and Report

Pub. L. 98-213, § 8, Dec. 8, 1983, 97 Stat. 1460, provided that: "The Secretary of the Interior is directed to implement the health care program required by section 106 of Public Law 95-134 (91 Stat. 1159) [set out above] for the populations of the four atolls in the Marshall Islands identified in such section immediately upon enactment of this section and shall promptly notify the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate if he finds that the populations of other atolls should be included in the program setting forth the basis for his finding and the estimated cost of extension of the program. The Secretary of Energy shall transmit annually to the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate together with the proposed budget for the next fiscal year, a description of the program and the estimated costs for implementation together with any recommendations which he may have for improvements in such program."

Compact of Free Association: Federated States of Micronesia and Republics of the Marshall Islands and Palau

Pub. L. 99-239, Jan. 14, 1986, 99 Stat. 1770, provided:

"Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

"Whereas the United States, in response to the desires of the peoples of the Federated States of Micronesia and the Marshall Islands expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted governments, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the peoples of the Federated States of Micronesia, and the Marshall Islands; and

"Whereas these negotiations resulted in the 'Compact of Free Association' which, together with its related agreements, was signed by the United States and by the Federated States of Micronesia and the Republic of the Marshall Islands on October 1, 1982 and June 25, 1983, respectively; and

"Whereas the Compact of Free Association was approved by majorities of the peoples of the Federated States of Micronesia and the Marshall Islands in United Nations-observed plebiscites conducted on June 21, 1983 and September 7, 1983, respectively; and

"Whereas the Compact of Free Association has been approved by the Governments of the Federated States of Micronesia and the Marshall Islands in accordance with their respective constitutional proccesses, thus completing fully for the Federated States of Micronesia and the Marshall Islands their domestic approval processes with respect to the Compact as contemplated in Compact Section 411: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the 'Compact of Free Association Act of 1985'.

"(b) TABLE OF CONTENTS.—The table of contents for this joint resolution is as follows:

"TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

- "Sec. 101. Approval of Compact of Free Association.
  - "(a) Federated States of Micronesia.
  - "(b) Marshall Islands.
  - "(c) Reference to the Compact.
  - "(d) Amendment, Change, or Termination in the Compact and Certain Agreements.
  - "(e) Subsidiary Agreements Deemed Bilateral.
  - "(f) Effective Date.
- "Sec. 102. Agreements With Federated States of Micronesia.
  - "(a) Law Enforcement Assistance.
  - "(b) Economic Development Plans Review Process.
  - "(c) Agreement on Audits.
- "Sec. 103. Agreements With and Other Provisions Related to the Marshall Islands.
  - "(a) Law Enforcement Assistance.
  - "(b) Economic Development Plans Review Process.
  - "(c) Ejit.
  - "(d) Kwajalein Payments.
  - "(e) Section 177 Agreement.
  - "(f) Nuclear Test Effects.
  - "(g) Espousal Provisions.
  - "(h) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.
  - "(i) Rongelap.
  - "(j) Four Atoll Health Care Program.
  - "(k) Enjebi Community Trust Fund.
  - "(*l*) Bikini Atoll Cleanup.
  - "(m) Agreement on Audits.
- "Sec. 104. Interpretation of and United States Policy Regarding Compact of Free Association.
  - "(a) Human Rights.
  - "(b) Immigration.
  - "(c) Nonalienation of Lands.
  - "(d) Nuclear Waste Disposal.
  - "(e) Impact of Compact on U.S. Areas.
  - "(f) Fisheries Management.
  - "(g) Foreign Loans.
- "Sec. 105. Supplemental Provisions.
  - "(a) Domestic Program Requirements.
  - "(b) Relations With the Federated States of Micronesia and the Marshall Islands.
  - "(c) Continuing Trust Territory Authorization.
  - "(d) Medical Referral Debts.
  - "(e) Survivability.
  - "(f) Registration for Agents of Micronesian Governments.
  - "(g) Noncompliance Sanctions.
  - "(h) Continuing Programs and Laws.
  - "(i) College of Micronesia; Education Programs.
  - "(j) Trust Territory Debts to U.S. Federal Agencies.
  - "(k) Use of DOD Medical Facilities.
  - "(*l*) Technical Assistance.
  - "(m) Prior Service Benefits Program.
  - "(n) Indefinite Land Use Payments.
  - "(o) Communicable Disease Control Program.
  - "(p) Trust Funds.
  - "(q) Annual Reports on Determinations Under Compact Section 313.
  - "(r) User Fees.
- "Sec. 106. Construction Contract Assistance.
  - "(a) Assistance to U.S. Firms.
  - "(b) Authorization.
- "Sec. 107. Limitations.
  - "(a) Prohibition.
  - "(b) Termination.
- "Sec. 108. Transitional Immigration Rules.
  - "(a) Citizen of Northern Mariana Islands.
  - "(b) Termination.
- "Sec. 109. Timing.
- "Sec. 110. Implementation of Audit Agreements.
  - "(a) Transmission of Annual Financial Statement.
  - "(b) Annual Audits By the President.
  - "(c) Authority of GAO.
- "Sec. 111. Compensatory Adjustments.
  - "(a) Additional Programs and Services.
  - "(b) Investment Development Funds.
  - "(c) Board of Advisors.
  - "(d) Further Amounts.

"TITLE II—COMPACT OF FREE ASSOCIATION

- "Sec. 201. Compact of Free Association.

"Title One—Governmental Relations

- "Article I—Self-Government.
- "Article II—Foreign Affairs.
- "Article III—Communications.
- "Article IV—Immigration.
- "Article V—Representation.
- "Article VI—Environmental Protection.
- "Article VII—General Legal Provisions.

"Title Two—Economic Relations

- "Article I—Grant Assistance.
- "Article II—Program Assistance.
- "Article III—Administrative Provisions.
- "Article IV—Trade.
- "Article V—Finance and Taxation.

"Title Three—Security and Defense Relations

- "Article I—Authority and Responsibility.
- "Article II—Defense Facilities and Operating Rights.
- "Article III—Defense Treaties and International Security Agreements.
- "Article IV—Service in Armed Forces of the United States.
- "Article V—General Provisions.

"Title Four—General Provisions

- "Article I—Approval and Effective Date.
- "Article II—Conference and Dispute Resolution.

"Article III—Amendment.
"Article IV—Termination.
"Article V—Survivability.
"Article VI—Definition of Terms.
"Article VII—Concluding Provisions.
"Sec. 202. Jurisdiction.

"TITLE III—PACIFIC POLICY REPORTS

"Sec. 301. Findings.
"Sec. 302. Reports.
  "(a) Submission.
  "(b) Contents.
"Sec. 303. Conference.
  "(a) Meeting.
  "(b) Participants.
  "(c) Written Comments.
"Sec. 304. Administrative Matters.
  "(a) Administrative Support.
  "(b) Authorization of Appropriations.

"TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

"Sec. 401. Freely Associated States Tariff Treatment.
  "(a) Section 242.
  "(b) Section 243.
"Sec. 402. Construction of Section 253 of the Compact.
"Sec. 403. Construction of Section 254 of the Compact.
"Sec. 404. Construction of Section 255 of the Compact.
"Sec. 405. The Marshall Islands and the Federated States of Micronesia Treated as North American Area.
"Sec. 406. Effective Date.
"Sec. 407. Study of Tax Provisions.
"Sec. 408. Coordination With Other Provisions.

"TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

"Sec. 501. Approval In Principle of the Compact.
"Sec. 502. Modifications of the Compact.

"TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

"SECTION 101. APPROVAL OF COMPACT OF FREE ASSOCIATION.

"(a) Federated States of Micronesia.—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Federated States of Micronesia is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

"(b) Marshall Islands.—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Marshall Islands is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

"(c) Reference to the Compact.—Any reference in this joint resolution to 'the Compact' shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

"(d) Amendment, Change, or Termination in the Compact and Certain Agreements.—(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be effected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

"(2) The provisions of paragraph (1) shall apply—

"(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 431, 432, 441, or 442;

"(B) to any amendment, change, or termination in the Agreement between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(j) of the Compact and the Agreement between the Government of the United States and the Government of the Marshall Islands Concerning Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(k) of the Compact;

"(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175, 177, and 221(a)(5), the terms of which are incorporated by reference into the Compact; and

"(D) to the following subsidiary agreements, or portions thereof:

"(i) Article II of the agreement referred to in section 462(a) of the Compact;

"(ii) Article II of the agreement referred to in section 462(b) of the Compact;

"(iii) Article II and Section 7 of Article XI of the agreement referred to in section 462(e) of the Compact;

"(iv) the agreement referred to in section 462(f) of the Compact;

"(v) Articles III and IV of the agreement referred to in section 462(g) of the Compact;

"(vi) Articles III and IV of the agreement referred to in section 462(h) of the Compact; and

"(vii) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

"(e) Subsidiary Agreements Deemed Bilateral.—For purposes of implementation of the Compact and this joint resolution, each of the subsidiary agreements referred to in subsections (a) and (b) (whether or not bilateral in form) shall be deemed to be bilateral agreements between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of any such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

"(f) Effective Date.—(1) The President shall not agree to an effective date for the Compact, as authorized by this section, until after certifying to Congress that the agreements described in section 102 and section 103 of this title have been concluded.

"(2) Any agreement concluded with the Federated States of Micronesia or the Marshall Islands pursuant to sections 102 and 103 of this title and any agreement which would amend, change, or terminate any subsidiary agreement or portion thereof as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

"(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representatives. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94-329 [June 30, 1976, 90 Stat. 765].

"(4) The subsidiary agreements or portions thereof referred to in paragraph (2) are as follows:

"(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

"(B) Articles III, IV, V, VI, VII, VIII, IX, X, and XI (except for Section 7 thereof) of the agreement referred to in section 462(e) of the Compact.

"(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(i) of the Compact.

"(D) Articles II, V, VI, VII, and VIII of the agreement referred to in section 462(g) of the Compact.

"(E) Articles II, V, VI, and VIII of the agreement referred to in section 462(h) of the Compact.

"(F) The Agreement set forth on pages 388 through 391 of House Document 98-192 of March 30, 1984.

"(5) No agreement between the United States and the Government of either the Federated States of Micronesia or the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection shall take effect until the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefore.

"SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

"(a) Law Enforcement Assistance.—

"(1) Agreement.—The President of the United States shall negotiate with the Government of the Federated States of Micronesia an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated October 1, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

"(A) Mutual assistance in law enforcement.—The law enforcement agencies of the United States and the Federated States of Micronesia shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Federated States of Micronesia specified in subparagraph (C) of this paragraph. The United States and the Federated States of Micronesia will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Federated States of Micronesia. In conducting activities authorized in accordance with this section, the United States and the Federated States of Micronesia will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

"(B) Narcotics and control of illegal substances.—The United States and the Federated States of Micronesia will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Federated States of Micronesia for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act [21 U.S.C. 802(6)] and Schedules I through V of Subchapter II of the Controlled Substances Act of the Federated States of Micronesia, or for the distribution of any such substance to or from the Federated States of Micronesia or to or from the United States or any of its territories or commonwealths.

"(C) Other criminal laws.—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Federated States of Micronesia related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

"(2) Technical and training assistance.—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(*l*) of this title may be used to reimburse State or local agencies providing such assistance.

"(3) Consultation.—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

"(4) Report.—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Federated States of Micronesia which have an impact upon United States jurisdictions, and propose measures which the United States and the Federated States of Micronesia should take in order better to prevent and prosecute violations of the laws of the United States and the Federated States of Micronesia. The reports required under section 481(e) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(e)] shall include relevant information concerning the Federated States of Micronesia.

"(b) Economic Development Plans Review Process.—

"(1) Submission.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(a) of this title if the Government of the Federated States of Micronesia agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

"(2) United states government review.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

"(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

"(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

"(3) Report.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

"(4) Views and comments.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Federated States of Micronesia may wish to have included.

"(c) Agreement on Audits.—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Federated States of Micronesia modifications to the 'Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association', which shall provide as follows:

"(1) General authority of the GAO to audit.—

"(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

"(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the Compact; and

"(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

"(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

"(2) GAO access to records.—

"(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

"(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

"(3) Representative status for GAO representatives.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

"(4) Annual financial statements.—As part of the annual report submitted by the Government of the Federated States of Micronesia under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

"(5) Definition of audits.—As used in this subsection, the term 'audits' includes financial, program, and management audits, including determining—

"(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

"(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

"(6) Cooperation by Federated States of Micronesia.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

"SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE MARSHALL ISLANDS.

"(a) Law Enforcement Assistance.—

"(1) Agreement.—The President of the United States shall negotiate with the Government of the Marshall Islands an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated May 30, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

"(A) Mutual assistance in law enforcement.—The law enforcement agencies of the United States and the Marshall Islands shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Marshall Islands specified in subparagraph (C) of this paragraph. The United States and the Marshall Islands will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Marshall Islands. In conducting activities authorized in accordance with this section, the United States and the Marshall Islands will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

"(B) Narcotics and control of illegal substances.—The United States and the Marshall Islands will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Marshall Islands for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act [21 U.S.C. 802(6)] and Schedules I through V of Subchapter II of the Controlled Substances Act of the Marshall Islands, or for the distribution of any such substance to or from the Marshall Islands or to or from the United States or any of its territories or commonwealths.

"(C) Other criminal laws.—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Marshall Islands related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

"(2) Technical and training assistance.—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(*l*) of this title may be used to reimburse State or local agencies providing such assistance.

"(3) Consultation.—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

"(4) Report.—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Marshall Islands which have an impact upon United States jurisdictions, and propose measures which the United States and the Marshall Islands should take in order better to prevent and prosecute violations of the laws of the United States and the Marshall Islands. The reports required under section 481(e) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(e)] shall include relevant information concerning the Marshall Islands.

"(b) Economic Development Plans Review Process.—

"(1) Submission.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(b) of this title if the Government of the Marshall Islands agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

"(2) United States government review.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

"(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

"(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

"(3) Report.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

"(4) Views and comments.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Marshall Islands may wish to have included.

"(c) Ejit.—(1) The President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

"(2) If the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

"(3) Paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

"(d) Kwajalein Payments.—

"(1) Statement of policy.—The Congress of the United States hereby declares that it is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, and the related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligations and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant thereto.

"(2) Failure to pay.—In the event that the Government of the Marshall Islands fails to make payments in accordance with paragraph (1) of this subsection, the Government of the United States shall initiate procedures under Section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for such nonpayment of funds. The United States shall expeditiously resolve the matter of any non-payment of funds as described in paragraph (1) of this subsection pursuant to Section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands. This paragraph shall be enforced, as may be necessary, in accordance with section 105(g)(2) of this joint resolution.

"(3) Assistance.—The President is hereby authorized to make loans and grants to the Government of the Marshall Islands for the sole use of the Kwajalein Atoll Development Authority for the benefit of the Kwajalein landowners of amounts sought by such authority for development purposes, pursuant to a development plan for Kwajalein Atoll which such authority has adopted in accordance with applicable laws of the Marshall Islands. Such loans and grants shall be subject to such other terms and conditions as the President, in his discretion, may determine appropriate and necessary.

"(e) Section 177 Agreement.—(1) In furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the 'Section 177 Agreement') only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

"(2) In the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

"(3) If the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

"(4) At the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

"(5) An annual report concerning all actions of the Fund Manager pursuant to the Section 177 Agreement and this joint resolution, including information prepared by the Fund Manager, shall be transmitted by the Government of the Marshall Islands to the Congress. Such report shall include such information (whether received from the Fund Manager or any other source) as relates to the disbursements provided for in Article II of the Section 177 Agreement. Such report shall be made public.

"(f) Nuclear Test Effects.—In approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak),[;] $37,500,000 (Rongelap); and $22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact.

"(g) Espousal Provisions.—(1) It is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the 'Section 177 Agreement') constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

"(2) In furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

"(h) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.—

"(1) Marshall islands program.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear 'Bravo' test, pursuant to Public Laws 95-134 and 96-205. Such medical care and its accompanying logistical support shall total $22,500,000 over the first 11 years of the Compact.

"(2) Agricultural and food programs.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first five years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall provide technical and other assistance—

"(A) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak;

"(B) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

"(3) Payments.—Payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

"(i) Rongelap.—(1) Because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

"(2) The purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: 'The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978', dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

"(3) It is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

"(j) **Four Atoll Health Care Program.**—(1) Services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the 'Section 177 Agreement') shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95-134 and Public Law 96-205 [see note set out above] and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

"(2) At the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

"(3) The Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

"(k) **Enjebi Community Trust Fund.**—Notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the 'Enjebi Community Trust Fund' (hereafter in this subsection referred to as the 'Fund'), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

"(1) **Enjebi Trust Agreement.**—The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

"(2) **Monitor conditions.**—Upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

"(3) **Resettlement of Enjebi.**—In the event that the United States determines that the people of Enjebi can within 25 years of the date of the enactment of this joint resolution resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

"(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

"(B) Replant Enjebi with appropriate food-bearing and other vegetation.

"(4) **Resettlement of other location.**—In the event that the United States determines that within 25 years of the date of the enactment of this joint resolution [Jan. 14, 1986] the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency with the government's overall economic development plan.

"(5) **Interest from fund.**—Prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

"(6) **Disclaimer of liability.**—Neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of

Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

"(*l*) Bikini Atoll Cleanup.—

"(1) Declaration of policy.—The Congress hereby determines and declares that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraphs (2) and (3) of this subsection.

"(2) Cleanup funds.—There are hereby authorized to be appropriated such sums as are necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84-0425 (D. Ha.).

"(3) Conditions of funding.—The funds referred to in paragraph (2) shall be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

"(m) Agreement on Audits.—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Marshall Islands an agreement which shall provide as follows:

"(1) General authority of the GAO to audit.—

"(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

"(i) all grants, program assistance, and other assistance provided to the Government of the Marshall Islands under Articles I and II of Title Two of the Compact; and

"(ii) any other assistance provided by the Government of the United States to the Government of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

"(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

"(2) GAO access to records.—

"(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

"(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Marshall Islands.

"(3) Representative status for GAO representatives.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

"(4) Annual financial statements.—As part of the annual report submitted by the Government of the Marshall Islands under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

"(5) Definition of audits.—As used in this subsection, the term 'audits' includes financial, program, and management audits, including determining—

"(A) whether the Government of the Marshall Islands has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

"(B) the propriety of the financial transactions of the Government of the Marshall Islands pursuant to such grants or assistance.

"(6) Cooperation by Marshall Islands.—The Government of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

"SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING COMPACT OF FREE ASSOCIATION.

"(a) Human Rights.—In approving the Compact, the Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that 'our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government' and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Marshall Islands. The Congress also notes and specifically endorses the preamble to the Compact, which affirms that the governments of the parties to the Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n, 2304], a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Marshall Islands.

"(b) Immigration.—The rights of a bona fide naturalized citizen of the Marshall Islands or the Federated States of Micronesia to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a non-immigrant, pursuant to the provisions of section 141(a)(3) of the Compact, shall not extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

"(c) Nonalienation of Lands.—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent and long-term interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and Marshall Islands citizenship, respectively.

"(d) Nuclear Waste Disposal.—In approving the Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the Compact.

"(e) Impact of Compact on U.S. Areas.—

"(1) Statement of congressional intent.—In approving the Compact, it is not the intent of the Congress to cause any adverse consequences for the United States territories and commonwealths or the State of Hawaii.

"(2) Annual reports and recommendations.—One year after the date of enactment of this joint resolution [Jan. 14, 1986] and at one year intervals thereafter, the President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii. Reports submitted pursuant to this paragraph (hereafter in this subsection referred to as 'reports') shall identify any adverse consequences resulting from the Compact and shall make recommendations for corrective action to eliminate those consequences. The reports shall pay particular attention to matters relating to trade, taxation, immigration, labor laws, minimum wages, social systems and infrastructure, and environmental regulation. With regard to immigration, the reports shall include statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report. With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia and the Marshall Islands.

"(3) Other views.—In preparing the reports, the President shall request the views of the Government of the State of Hawaii, and the governments of each of the United States territories and commonwealths, the Federated States of Micronesia, the Marshall Islands, and Palau, and shall transmit the full text of any such views to the Congress as part of such reports.

"(4) Commitment of congress to redress adverse consequences.—The Congress hereby declares that, if any adverse consequences to United States territories and commonwealths or the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

"(5) Definition of u.s. territories and commonwealths.—As used in this subsection, the term 'United States territories and commonwealths' means the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(6) Impact costs.—There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

"(f) Fisheries Management.—In clarification of Title One, Article II, section 121(b)(1) of the Compact:

"(1) Nothing in the Compact or this joint resolution shall be interpreted as recognition by the United States of any claim by the Federated States of Micronesia or by the Marshall Islands to jurisdiction or authority over highly migratory species of fish during the time such species of fish are found outside the territorial sea of the Federated States of Micronesia or the Marshall Islands.

"(2) It is the understanding of Congress that none of the monies made available pursuant to the Compact or this joint resolution will be used by either the Federated States of Micronesia or the Marshall Islands for enforcement actions against any vessel of the United States on the basis of fishing by any such vessel for highly migratory species of fish outside the territorial sea of the Federated States of Micronesia or the Marshall Islands, respectively, in the absence of a licensing agreement.

"(3) Appropriate United States officials shall apply the policies and provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) with regard to any action taken by the Federated States of Micronesia or the Marshall Islands affecting any vessel of the United States engaged in fishing for highly migratory species of fish in waters outside the territorial seas of the Federated States of Micronesia or the Marshall Islands, respectively. For the purpose of applying the provisions of section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975), monies made available to either the Federated States of Micronesia or the Marshall Islands pursuant to the provisions of the Compact or this joint resolution shall be treated as 'assistance to the government of such country under the Foreign Assistance Act of 1961' [22 U.S.C. 2151 et seq.]. For purposes of this Act only, certification by the President in accordance with such section 5 shall be accompanied by a report to Congress on the basis for such certification, and such certification shall have no effect if by law Congress so directs prior to the expiration of 60 days during which Congress is in continuous session following the date of such certification.

"(4) For the purpose of paragraphs (1) and (3) of this subsection—

"(A) The term 'vessel of the United States' has the same meaning as provided in the first section of the Fishermen's Protective Act of 1967 (22 U.S.C. 1971).

"(B) The terms 'fishing' and 'highly migratory species' have the same meanings as provided in paragraphs (10) and (14), respectively, of section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(10) and (14)).

"(5)(A) It is the policy of the United States of America—

"(i) to negotiate and conclude with the governments of the Central, Western, and South Pacific Ocean, including the Federated States of Micronesia and the Marshall Islands, a regional licensing agreement setting forth agreed terms of access for United States tuna vessels fishing in the region; and

"(ii) that such an agreement should overcome existing jurisdictional differences and provide for a mutually beneficial relationship between the United States and the Pacific Island States that will promote the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean and the economic development of the region.

"(B) At such time as an agreement referred to in subparagraph (A) is submitted to the Senate for advice and consent to ratification, the Secretary of State, after consultation with the Secretary of Commerce and other interested agencies and concerned governments, shall submit to the Congress a proposed long term regional fisheries development program which may include, but not be limited to—

"(i) exploration for, and stock assessment of, tuna and other fish;

"(ii) improvement of harvesting techniques;

"(iii) gear development;

"(iv) biological resource monitoring;

"(v) education and training in the field of fisheries; and

"(vi) regional and direct bilateral assistance in the field of fisheries.

"(g) Foreign Loans.—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Marshall Islands.

"SEC. 105. SUPPLEMENTAL PROVISIONS.

"(a) Domestic Program Requirements.—Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

"(b) Relations With the Federated States of Micronesia and the Marshall Islands.—

"(1) The United States representatives to the Federated States of Micronesia and the Republic of the Marshall Islands pursuant to Article V of title I of the Compact shall be appointed by the President with the advice and consent of the Senate, and shall be under the supervision of the Secretary of State, who shall have responsibility for government to government relations between the United States and the Government with respect to whom they are appointed, consistent with the authority of the Secretary of the Interior as set forth in this section.

"(2) Appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior, who shall coordinate and monitor any program or activity provided to the Federated States of Micronesia or the Republic of the Marshall Islands by departments and agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies.

"(3) All programs and services provided to the Federated States of Micronesia and the Republic of the Marshall Islands by Federal agencies may be provided only after consultation with and under the supervision of the Secretary of the Interior, and the head of each Federal agency is directed to cooperate with the Secretary of the Interior and to make such personnel and services available as the Secretary of the Interior may request.

"(4) Any United States Government personnel assigned, on a temporary or permanent basis, to either the Federated States of Micronesia or the Marshall Islands shall, during the period of such assignment, be subject to the supervision of the United States representative to that area.

"(5) The President is hereby authorized to appoint an Interagency Group on Freely Associated States' Affairs to provide policy guidance to federal departments and agencies. Such interagency group shall include the Secretary of the Interior and the Secretary of State.

"(c) Continuing Trust Territory Authorization.—The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) [48 U.S.C. 1681, 1681 note, 1681b] shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Marshall Islands for the following purposes:

"(1) Prior to October 1, 1986, for any purpose authorized by the Compact or this joint resolution.

"(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure.

"(d) Medical Referral Debts.—

"(1) Federated states of micronesia.—In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Federated States of Micronesia, the United States shall make available to the Government of the Federated States of Micronesia such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, including any territories and commonwealths, by citizens of the Federated States of Micronesia before September 1, 1985.

"(2) Marshall islands.—In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Marshall Islands, the United States shall make available to the Government of the Marshall Islands such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, its territories and commonwealths by citizens of the Marshall Islands before September 1, 1985.

"(3) Use of funds.—In making funds available pursuant to this subsection, the President shall take such actions as he deems necessary to assure that the funds are used only for the payment of the medical expenses described in paragraph (1) or (2) of this subsection, as the case may be.

"(4) Authorization of Appropriations.—There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

"(e) Survivability.—In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the Compact, any provisions of the Compact which remain effective after the termination of the Compact by the act of any party thereto and which are affected in any manner by provisions of this title shall remain subject to such provisions.

"(f) Registration for Agents of Micronesian Governments.—

"(1) In general.—Notwithstanding the provisions of Title One, Article V, section 153 of the Compact, after approval of the Compact any citizen of the United States who, without authority of the United States, acts as the agent of the Government of the Marshall Islands or the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia and the Marshall Islands shall be considered to be foreign countries.

"(2) Exception.—Paragraph (1) of this subsection shall not apply to a citizen of the United States employed by either the Government of the Marshall Islands or the Government of the Federated States of Micronesia with respect to whom the employing Government from time to time certifies to the Government of the United States that such citizen is an employee of the Government of the Marshall Islands or the Government of the Federated States of Micronesia (as the case may be) whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

"(3) Resident Representative Exemption.—Nothing in this subsection shall be construed as amending Section 152(b) of the Compact.

"(g) Noncompliance Sanctions.—

"(1) Authority of president.—The President of the United States shall have no authority to suspend or withhold payments or assistance with respect to—

"(A) section 177, 213, 216(a)(2), 216(a)(3), 221(b), or 223 of the Compact, or

"(B) any agreements made pursuant to such sections of the Compact,

unless such suspension or withholding is imposed as a sanction due to noncompliance by the Government of the Federated States of Micronesia or the Government of the Marshall Islands (as the case may be) with the obligations and requirements of such sections of the Compact or such agreements.

"(2) Actions incompatible with united states authority.—The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Marshall Islands pursuant to the Compact, including the agreements referred to in sections 462(j) and 462(k) thereof. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the Compact. The Government of the United States reserves the right in the event of such a material breach of the Compact by the Government of the Federated States of Micronesia or the Government of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

"(h) Continuing Programs and Laws.—

"(1) Federated states of micronesia and marshall islands.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 224 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Marshall Islands:

"(A) the Legal Services Corporation;

"(B) the Public Health Service; and

"(C) the Farmers Home Administration (in the Marshall Islands and each of the four States of the Federated States of Micronesia: *Provided*, that in lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Farmers Home Loan Administration applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia).

"(2) Palau.—Upon the effective date of the Compact, the laws of the United States generally applicable to the Trust Territory of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as provided in appropriation Acts or other Acts of Congress.

"(3) Section 219 determination.—The determination by the Government of the United States under section 219 of the Compact shall be as provided in appropriation Acts.

"(4) Tort claims.—(A) At such time as the Trusteeship Agreement ceases to apply to either the Federated States of Micronesia or the Marshall Islands, the provisions of Section 178 of the Compact regarding settlement and payment of tort claims shall apply to employees of any federal agency of the Government of the United States which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the Compact or this Act, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied. For purposes of this subparagraph (B), persons providing such service or carrying out such function pursuant to a contract with a federal agency shall be deemed to be an employee of the contracting federal agency.

"(B) For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), persons providing services to the people of the atolls of Bikini, Enewetak, Rongelap, and Utrik as described in Public Law 95-134 [Oct. 15, 1977, 91 Stat. 1159] and Public Law 96-205 [Mar. 12, 1980, 94 Stat. 84. See notes set out above] pursuant to a contract with a Department or agency of the federal government shall be deemed to be an employee of the contracting Department or agency working in the United States. This subparagraph (B) shall expire when the Trusteeship Agreement is terminated with respect to the Marshall Islands.

"(i) College of Micronesia; Education Programs.—

"(1) College of micronesia.—Notwithstanding any other provision of law, all funds which as of the date of the enactment of this joint resolution [Jan. 14, 1986] were appropriated for the use of the College of Micronesia System shall remain available for use by such college until expended. Until otherwise provided by Act of Congress, or until termination of the Compact, such college shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

"(2) Federal education programs.—Pursuant to section 224 of the Compact and upon the request of the affected Government, any Federal program providing financial assistance for education which, as of January 1, 1985, was providing financial assistance for education to the Federated States of Micronesia or the Marshall Islands or to any institution, agency, organization, or permanent resident thereof, including the College of Micronesia System, shall continue to provide such assistance to such institutions, agencies, organizations, and residents as follows:

"(A) For the fiscal year in which the Compact becomes effective, not to exceed $13,000,000;

"(B) For the fiscal year beginning after the end of the fiscal year in which the Compact becomes effective, not to exceed $8,700,000; and

"(C) For the fiscal year immediately following the fiscal year described in subparagraph (B), not to exceed $4,300,000.

"(3) Authorization of appropriations.—There are hereby authorized to be appropriated such sums as are necessary for purposes of this subsection.

"(j) Trust Territory Debts to U.S. Federal Agencies.—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

"(k) Use of DOD Medical Facilities.—Following approval of the Compact, the Secretary of Defense shall make available the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia and the Marshall Islands who are properly referred to such facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia and the Marshall Islands. The Secretary of Defense is hereby authorized to cooperate with such authorities in order to permit use of such medical facilities for persons properly referred by such authorities. The Secretary of Health and Human Services is hereby authorized and directed to continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

"(*l*) Technical Assistance.—Technical assistance may be provided pursuant to section 226 of the Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Soil Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470-470t), shall be on a nonreimbursable basis. During the period the Compact is in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Funds provided pursuant to sections 102(a), 103(a), 103(e), 103(h), 103(i), 103(j), 103(*l*), 105(c), 105(i), 105(j), 105(k), 105(*l*), 105(m), 105(n), and 105(*o*) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Marshall Islands pursuant to the Compact or the subsidiary agreements.

"(m) Prior Service Benefits Program.—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

"(n) Indefinite Land Use Payments.—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

"(*o*) Communicable Disease Control Program.—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia in designing and implementing such a program.

"(p) Trust Funds.—The responsibilities of the United States with regard to implementation of section 235 of the Compact shall be discharged by the Secretary of the Interior, who shall consult with the Government of the Marshall Islands and the designated beneficiaries of the funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands.

"(q) Annual Reports on Determinations Under Compact Section 313.—The President shall report annually to the Congress on determinations made by the United States in the exercise of its authority under section 313 of the Compact. Each such report shall describe the following, on a classified basis if necessary:

"(1) The actions that the Government of the Federated States of Micronesia or the Government of the Marshall Islands were required to refrain from pursuant to the determinations of the United States.

"(2) The justification for each determination by the United States, and the position of the other Government concerned with respect to such determination.

"(3) The effect of the determination on the authority and responsibility of the other government to conduct foreign affairs in accordance with section 121 of the Compact.

"(4) Any domestic effect in the Federated States of Micronesia or the Marshall Islands resulting from the determination, including any restriction on the civil and political rights of the citizens thereof.

"(r) User Fees.—Any person in the Federated States of Micronesia or the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

"SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

"(a) Assistance to U.S. Firms.—In order to assist the Governments of the Federated States of Micronesia and of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the President shall consult with the Governments of the Federated States of Micronesia and the Marshall Islands with respect to any such contracts, and the President shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

"(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Marshall Islands;

"(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

"(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as 'United States firms'). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

"(b) Authorization.—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

"SEC. 107. LIMITATIONS.

"(a) Prohibition.—The provisions of Chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the President's Personal Representative for Micronesian Status Negotiations or who is or was an officer or employee of the Office for Micronesian Status Negotiations or who is or was assigned or detailed to that Office or who served on the Micronesia Interagency Group, except that for the purposes of this section, clauses (i) and (ii) of section 207(b) of such title shall read as follows: '(i) having been so employed, within three years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within three years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—'.

"(b) Termination.—Effective upon the date of the termination of the Trust Territory of the Pacific Islands with respect to Palau, the Office for Micronesian Status Negotiations is abolished and no department, agency, or instrumentality of the United States shall thereafter contribute funds for the support of such Office.

"SEC. 108. TRANSITIONAL IMMIGRATION RULES.

"(a) Citizen of Northern Mariana Islands.—Any person who is a citizen of the Northern Mariana Islands, as that term is defined in section 24(b) of the Act of December 8, 1983 (97 Stat. 1465) [Pub. L. 98-213, set out above], is considered a citizen of the United States for purposes of entry into, permanent residence, and employment in the United States and its territories and possessions.

"(b) Termination.—The provisions of this section shall cease to be effective when section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States (Public Law 94-241) [set out below] becomes effective pursuant to section 1003(c) of the Covenant.

"SEC. 109. TIMING.

"No payment may be made pursuant to the Compact nor under any provision of this joint resolution prior to October 1, 1985.

"SEC. 110. IMPLEMENTATION OF AUDIT AGREEMENTS.

"(a) Transmission of Annual Financial Statement.—Upon receipt of the annual financial statement described in sections 102(c)(4) and 103(m)(4), the President shall promptly transmit a copy of such statement to the Congress.

"(b) Annual Audits by the President.—(1) The President shall cause an annual audit to be conducted of the annual financial statements described in sections 102(c)(4) and 103(m)(4). Such audit shall be conducted in accordance with the Generally Accepted Government Auditing Standards promulgated by the Comptroller General of the United States. Such audit shall be submitted to the Congress not later than 180 days after the end of the United States fiscal year.

"(2) The President shall develop and implement procedures to carry out such audits. Such procedures shall include the matters described in sections 102(c)(2) and 103(m)(2) of this title.

"(c) Authority of GAO.—The Comptroller General of the United States shall have the authority to conduct the audits referred to in sections 102(c)(1) and 103(m)(1) of this title.

"SEC. 111. COMPENSATORY ADJUSTMENTS.

"(a) Additional Programs and Services.—In addition to the programs and services set forth in Section 221 of the Compact, and pursuant to Section 224 of the Compact, the services and programs of the following U.S. agencies shall be made available to the Federated States of Micronesia and the Marshall Islands: The Federal Deposit Insurance Corporation, Small Business Administration, Economic Development Administration, the Rural Electrification Administration, Job Partnership Training Act, Job Corps, and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

"(b)(1) Investment Development Funds.—In order to further close economic and commercial relations between the United States and the Federated States of Micronesia and the Marshall Islands, and in order to encourage the presence of the United States private sector in such areas, there are hereby created two Investment Development Funds, to be established and administered by the Federated States of Micronesia and the Marshall Islands respectively in consultation with the United States as follows:

"(i) For the Investment Development Fund for the Federated States of Micronesia there is hereby authorized to be appropriated for fiscal 1986, $20 million, backed by the full faith and credit of the United States, of which $12 million shall be made available for obligation for the first full fiscal year after the effective date of the Compact, and of which $8 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

"(ii) For the Investment Development Fund for the Marshall Islands there is hereby authorized to be appropriated $10 million for fiscal 1986, backed by the full faith and credit of the United States, of which $6 million for the first full fiscal year after the effective date of the Compact, and of which $4 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

"(2) The amounts specified in subsection (b) of this section shall be in addition to the sums and amounts specified in Articles I and III of Title Two of the Compact, and shall be deemed to be included in the sums and amounts referred to in section 236 of the Compact.

"(c) Board of Advisors.—To provide policy guidance for the Funds established by subsection (b) of this section, the President is hereby authorized to establish a Board of Advisors, pursuant to appropriate agreements between the United States and the Federated States of Micronesia and the Marshall Islands.

"(d) Further Amounts.—The governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as may be necessary, but not to exceed $40 million for the Federated States of Micronesia and $20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of this section) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. At the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in this subsection not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in this subsection for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in this subsection.

"TITLE II—COMPACT OF FREE ASSOCIATION

"SEC. 201. COMPACT OF FREE ASSOCIATION.

"The Compact of Free Association is as follows:

"COMPACT OF FREE ASSOCIATION

"PREAMBLE

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENTS OF THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA

"Affirming that their Governments and their relationships as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the peoples of the Trust Territory of the Pacific Islands have the right to enjoy self-government; and

"Affirming the common interests of the United States of America and the peoples of the Trust Territory of the Pacific Islands in creating close and mutually beneficial relationships through two free and voluntary associations of their respective Governments; and

"Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the peoples of the Trust Territory of the Pacific Islands; and

"Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their freely-expressed wishes, adopted Constitutions appropriate to their particular circumstances; and

"Recognizing their common desire to terminate the Trusteeship and establish two new government-to-government relationships each of which is in accordance with a new political status based on the freely-expressed wishes of peoples of the Trust Territory of the Pacific Islands and appropriate to their particular circumstances; and

"Recognizing that the peoples of the Trust Territory of the Pacific Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitutions and forms of government and that the approval of the entry of their respective Governments into this Compact of Free Association by the peoples of the Trust Territory of the Pacific Islands constitutes an exercise of their sovereign right to self-determination;

"NOW, THEREFORE, AGREE to enter into relationships of free association which provide a full measure of self-government for the peoples of the Marshall Islands and the Federated States of Micronesia; and

"FURTHER AGREE that the relationships of free association derive from and are as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Governments of the freely associated states of the Marshall Islands and the Federated States of Micronesia in regard to these relationships of free association derive from and are as set forth in this Compact.

"TITLE ONE

"GOVERNMENTAL RELATIONS

"Article I

"Self-Government

"Section 111

"The peoples of the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing.

"Article II

"Foreign Affairs

"Section 121

"(a) The Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

"(b) The foreign affairs capacity of the Governments of the Marshall Islands and the Federated States of Micronesia includes:

"(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

"(2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting their individual citizens.

"(c) The Government of the United States recognizes that the Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to enter into, in their own name and right, treaties and other international agreements with governments and regional and international organizations.

"(d) In the conduct of their foreign affairs, the Governments of the Marshall Islands and the Federated States of Micronesia confirm that they shall act in accordance with principles of international law and shall settle their international disputes by peaceful means.

"Section 122

"The Government of the United States shall support applications by the Governments of the Marshall Islands and the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept for training and instruction at the Foreign Service Institute, established under 22 U.S.C. 4021, citizens of the Marshall Islands and the Federated States of Micronesia. The qualifications of candidates for such training and instruction and all other terms and conditions of participation by citizens of the Marshall Islands and the Federated States of Micronesia in Foreign Service Institute programs shall be as mutually agreed between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia.

"Section 123

"(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Governments of the Marshall Islands and the Federated States of Micronesia shall consult, in the conduct of their foreign affairs, with the Government of the United States.

"(b) In recognition of the respective foreign affairs capacities of the Governments of the Marshall Islands and the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Marshall Islands or the Federated States of Micronesia on matters which the Government of the United States regards as relating to or affecting any such Government.

"Section 124

"The Government of the United States may assist or act on behalf of the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Marshall Islands or the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

"Section 125

"The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

"Section 126

"At the request of the Government of the Marshall Islands or the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Marshall Islands and the Federated States of Micronesia for travel outside the Marshall Islands and the Federated States of Micronesia, the United States and its territories and possessions.

"Section 127

"Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

"Article III

"Communications

"Section 131

"(a) The Governments of the Marshall Islands and the Federated States of Micronesia have full authority and responsibility to regulate their respective domestic and foreign communications, and the Government of the United States shall provide communications assistance in accordance with the terms of a separate agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

"(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations respectively in the Marshall Islands and the Federated States of Micronesia; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations respectively in the Marshall Islands and the Federated States of Micronesia in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

"(2) the United States Federal Communications Commission has jurisdiction, pursuant to the Communications Act of 1934, 47 U.S.C. 151 et seq., and the Communications Satellite Act of 1962, 47 U.S.C. 721 et seq., over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in the Marshall Islands or the Federated States of Micronesia.

"(b) The Government of the Marshall Islands or the Federated States of Micronesia may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the electing Government the notification authority referred to in Section 131(a) and all rights deriving from the previous exercise of any such notification authority by the Government of the United States.

"Section 132

"The Governments of the Marshall Islands and the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Marshall Islands and the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of separate agreements which shall come into effect simultaneously with this Compact.

"Article IV

"Immigration

"Section 141

"(a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

"(1) a person who, on the day preceding the effective date of this Compact, is a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of the Marshall Islands or the Federated States of Micronesia;

"(2) a person who acquires the citizenship of the Marshall Islands or the Federated States of Micronesia at birth, on or after the effective date of the respective Constitution;

"(3) a naturalized citizen of the Marshall Islands or the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence; or

"(4) a person entitled to citizenship in the Marshall Islands by lineal descent whose name is included in a list to be furnished by the Government of the Marshall Islands to the United States Immigration and Naturalization Service and any descendants of such persons, provided that such person holds a certificate of lineal descent issued by the Government of the Marshall Islands.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

"(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for:

"(1) in statutes or regulations of the United States; or

"(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

"(c) Section 141(a) does not confer on a citizen of the Marshall Islands or the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of the Marshall Islands or the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

"Section 142

"(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in the Marshall Islands or the Federated States of Micronesia, subject to the rights of those Governments to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in the Marshall Islands or the Federated

States of Micronesia only in accordance with the laws of the jurisdiction in which habitual residence or domicile is sought.

"(b) With respect to the subject matter of this Section, the Government of the Marshall Islands or the Federated States of Micronesia shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

"Section 143

"(a) The privileges set forth in Sections 141 and 142 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States.

"(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

"Section 144

"(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of the Marshall Islands or the Federated States of Micronesia, commences employment with such Government shall not be deprived of his United States nationality pursuant to Section 349 (a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481 (a)(2) and (a)(4).

"(b) Upon such notification by the Government of the Marshall Islands or the Federated States of Micronesia, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

"(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of the Marshall Islands or the Federated States of Micronesia on the effective date of this Compact with respect to the positions held by them at that time.

"Article V

"Representation

"Section 151

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may establish and maintain representative offices in the capital of the other for the purpose of maintaining close and regular consultations on matters arising in the course of the relationship of free association and conducting other government business. The Governments may establish and maintain additional offices on terms and in locations as may be mutually agreed.

"Section 152

"(a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

"(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

"(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

"(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

"(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

"Section 153

"(a) Any citizen or national of the United States who, after consultation between the designating Government and the Government of the United States, is designated by the Government of the Marshall Islands or the Federated States of Micronesia as its agent, shall enjoy exemption from the requirements of the laws of the United States relating to the registration of foreign agents. The Government of the United States shall promptly comply with a request for consultation made by the prospective designating Government. During the course of the consultation, the Government of the United States may, in its discretion, and subject to the provisions of the Privacy Act, 5 U.S.C. 552a, transmit such information concerning the prospective designee as may be available to it to the prospective designating Government.

"(b) Any citizen or national of the United States may be employed by the Government of the Marshall Islands or the Federated States of Micronesia to represent to foreign governments, officers or agents thereof the positions of the Government of the Marshall Islands or the Federated States of Micronesia, without regard to the provisions of 18 U.S.C. 953.

"Article VI

"Environmental Protection

"Section 161

"The Governments of the United States, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

"(a) The Government of the United States:

"(1) shall continue to apply the environmental controls in effect on the day preceding the effective date of this Compact to those of its continuing activities subject to Section 161(a)(2), unless and until those controls are modified under Sections 161(a)(3) and 161(a)(4);

"(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact and its related agreements as if the Marshall Islands and the Federated States of Micronesia were the United States;

"(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environments of the Marshall Islands and the Federated States of Micronesia: the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 et seq.; the Clean Air Act, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), 86 Stat. 896, 33 U.S.C. 1251 et seq.; the Ocean Dumping Act (Title I of the Marine Protection, Research and Sanctuaries Act of 1972), 86 Stat. 1053, 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, 90 Stat. 2003, 15 U.S.C. 2601 et seq.; the Resources Conservation and Recovery Act of 1976, 90 Stat. 2796, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States as may be mutually agreed from time to time with the Government of the Marshall Islands or the Federated States of Micronesia; and

"(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), appropriate mechanisms, including regulations or other judicially reviewable standards and procedures, to regulate its activities governed by Section 161(a)(3) in the Marshall Islands and the Federated States of Micronesia in a manner appropriate to the special governmental relationship set forth in this Compact. The agencies of the Government of the United States designated by law to administer the laws set forth in Section 161(a)(3) shall participate as appropriate in the development of any regulation, standard or procedure under this Section, and the Government of the United States shall provide the affected Government of the Marshall Islands or the Federated States of Micronesia with the opportunity to comment during such development.

"(b) The Governments of the Marshall Islands and the Federated States of Micronesia shall develop standards and procedures to protect their environments. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Governments of the Marshall Islands and the Federated States of Micronesia, taking into account their particular environments, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 161(a)(3) prior to their conducting activities in the Marshall Islands and the Federated States of Micronesia, respectively, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

"(c) Section 161(a), including any standard or procedure applicable thereunder, and Section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia.

"(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major federal actions significantly affecting the quality of the human environment, the regulatory regime established under Sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

"(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under Sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the affected Government of the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the affected Government.

"(f) The laws of the United States referred to in Section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact and its related agreements only to the extent provided for in this Section.

"Section 162

"The Government of the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d) or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by Section 161, provided that:

"(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this Section.

"(b) Actions brought pursuant to this Section may be initiated only by the Government concerned.

"(c) Administrative agency actions arising under Section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

"(d) The District Court shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

"(e) The judicial remedy provided for in this Section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by Section 161.

"(f) In actions pursuant to this Section, the Governments of the Marshall Islands and the Federated States of Micronesia shall be treated as if they were United States citizens.

"Section 163

"(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Governments of the Marshall Islands and the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Marshall Islands and the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

"(b) The Government of the United States, in turn, shall be granted access to the Marshall Islands or the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Marshall Islands or the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided those Governments under the Freedom of Information Act, 5 U.S.C. 552.

"(c) The Governments of the Marshall Islands and the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

"Article VII

"General Legal Provisions

"Section 171

"Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

"Section 172

"(a) Every citizen of the Marshall Islands or the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

"(b) The Governments of the Marshall Islands and the Federated States of Micronesia and every citizen of the Marshall Islands or the Federated States of Micronesia shall be considered a 'person' within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Marshall Islands or the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by Sections 161 and 162.

"Section 173

"The Governments of the United States, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Marshall Islands and the Federated States of Micronesia pursuant to this Compact and its related agreements and by those Governments in the United States pursuant to this Compact and its related agreements.

"Section 174

"Except as otherwise provided in this Compact and its related agreements:

"(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia.

"(b) The Government of the United States accepts responsibility for and shall pay:

"(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

"(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and

"(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

"(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

"(d) The Governments of the Marshall Islands and the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia in any case in which the action is based on a commercial activity of the defendant Government where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought.

"Section 175

"A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

"Section 176

"The Governments of the Marshall Islands and the Federated States of Micronesia confirm that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Marshall Islands and the Federated States of Micronesia to grant relief from judgments in appropriate cases.

"Section 177

"(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

"(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

"(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

"Section 178

"(a) The federal agencies of the Government of the United States which provide the services and related programs in the Marshall Islands or the Federated States of Micronesia pursuant to Articles II and III of Title Two are authorized to settle and pay tort claims arising in the Marshall Islands or the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

"(b) Claims under Section 178(a) which cannot be settled under Section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

"(c) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall, in the separate agreements referred to in Section 232, provide for:

"(1) the administrative settlement of claims referred to in Section 178(a), including designation of local agents in the Marshall Islands and each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

"(2) arbitration, referred to in Section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 178(a).

"(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

"TITLE TWO

"ECONOMIC RELATIONS

"Article I

"Grant Assistance

"Section 211

"(a) In order to assist the Governments of the Marshall Islands and the Federated States of Micronesia in their efforts to advance the economic self-sufficiency of their peoples and in recognition of the special relationship that exists between them and the United States, the Government of the United States shall provide on a grant basis the following amounts:

"(1) to the Government of the Marshall Islands, $26.1 million annually for five years commencing on the effective date of this Compact, $22.1 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $19.1 million annually for five years commencing on the tenth anniversary of this Compact. Over this fifteen-year period, the Government of the Marshall Islands shall dedicate an average of no less than 40 percent of these amounts to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b); and

"(2) to the Government of the Federated States of Micronesia, $60 million annually for five years commencing on the effective date of this Compact, $51 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $40 million annually for five years commencing on the tenth anniversary of the effective date of this Compact. Over this fifteen year period, the Government of the Federated States of Micronesia shall dedicate an average of no less than 40 percent of these amounts annually to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b). To take into account the special nature of the assistance, to be provided under this paragraph and Sections 212(b), 213(c), 214(c), 215(a)(3), 215(b)(3), 216(a), 216(b), 221(a), and 221(b), the division of these amounts among the national and state governments of the Federated States of Micronesia shall be certified to the Government of the United States by the Government of the Federated States of Micronesia.

"(b) The annual expenditure of the grant amounts specified for the capital account in Section 211(a) by the Governments of the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by those Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Government of the Marshall Islands or the Federated States of Micronesia.

"(c) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia recognize that the achievement of the goals of the plans referred to in Section 211(b) depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of the Marshall Islands and the Federated States of Micronesia, including the Government of the United States, and may, in addition, be affected by the impact of exceptional economically adverse circumstances. Each of the Governments of the Marshall Islands and the Federated States of Micronesia shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. These reports shall outline the achievements of the plans to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. It is understood that the Government of the United States cannot be committed by this Section to seek or support such additional economic assistance.

"Section 212

"In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall provide to the Government of the Federated States of Micronesia $1 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact. This amount may be used by the Government of the Federated States of Micronesia to defray current account expenditures attendant to the operation of the United States military Civic Action Teams made available in accordance with the separate agreement referred to in Section 227.

"Section 213

"(a) The Government of the United States shall provide on a grant basis $1.9 million annually to the Government of the Marshall Islands in conjunction with Section 321(a). The Government of the Marshall Islands, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in the Kwajalein Atoll area of the Marshall Islands.

"(b) The Government of the United States shall provide on a grant basis to the Government of the Federated States of Micronesia the sum of $160,000 in conjunction with Section 321(a). This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of the Federated States of Micronesia, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Yap State, Federated States of Micronesia.

"Section 214

"As a contribution to efforts aimed at achieving increased self-sufficiency in energy production, the Government of the United States shall provide on a current account grant basis for fourteen years commencing on the first anniversary of the effective date of this Compact the following amounts:

"(a) To the Government of the Marshall Islands, $2 million annually.

"(b) To the Government of the Federated States of Micronesia, $3 million annually.

"Section 215

"(a) As a contribution to the current account operations and maintenance of communications systems, the Government of the United States shall provide on a grant basis for fifteen years commencing on the effective date of this Compact the following amounts:

"(1) to the Government of the Marshall Islands, $300,000 annually; and

"(2) to the Government of the Federated States of Micronesia, $600,000 annually.

"(b) For the purpose of acquiring such communications hardware as may be located within the Marshall Islands and the Federated States of Micronesia or for such other current or capital account activity as may be selected, the Government of the United States shall provide, concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact, the sum of $9 million to be allocated as follows:

"(1) to the Government of the Marshall Islands, $3 million; and

"(2) to the Government of the Federated States of Micronesia, $6 million.

"Section 216

"(a) The Government of the United States shall provide on a current account basis an annual grant of $5.369 million for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

"(1) $890,000 annually for the surveillance and enforcement by the Governments of the Marshall Islands and the Federated States of Micronesia of their respective maritime zones;

"(2) $1.791 million annually for health and medical programs, including referrals to hospital and treatment centers; and

"(3) $2.687 million annually for a scholarship fund or funds to support the post-secondary education of citizens of the Marshall Islands and the Federated States of Micronesia attending United States accredited, post-secondary institutions in the United States, its territories and possessions, the Marshall Islands or the Federated States of Micronesia. The curricula criteria for the award of scholarships shall be designed to advance the purposes of the plans referred to in Section 211(b).

"(b) The Government of the United States shall provide the sum of $1.333 million as a contribution to the commencement of activities pursuant to Section 216(a)(1).

"(c) The annual grants referred to in Section 216(a) and the sum referred to in Section 216(b) shall be made available by the Government of the United States promptly after it receives instruction for their distribution agreed upon by the Governments of the Marshall Islands and the Federated States of Micronesia.

"Section 217

"Except as otherwise provided, the amounts stated in Sections 211, 212, 214, 215 and 231 shall be adjusted for each Fiscal Year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

"Section 218

"If in any year the funds made available by the Government of the United States for that year pursuant to this Article or Section 231 are not completely obligated by the recipient Government, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

"Section 219

"All funds previously appropriated to the Trust Territory of the Pacific Islands which are unobligated by the Government of the Trust Territory of the Pacific Islands as of the effective date of this Compact shall accrue to the Governments of the Marshall Islands and the Federated States of Micronesia for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

"Article II

"Program Assistance

"Section 221

"(a) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia, in accordance with and to the extent provided in the separate agreements referred to in section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

"(1) of the United States Weather Service;

"(2) of the United States Federal Emergency Management Agency;

"(3) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;

"(4) of the United States Federal Aviation Administration; and

"(5) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

"(b) The Government of the United States, recognizing the special needs of the Marshall Islands and the Federated States of Micronesia particularly in the fields of education and health care, shall make available, as provided by the laws of the United States, the annual amount of $10 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232.

"(c) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

"(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the separate agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to the Marshall Islands and the Federated States of Micronesia.

"Section 222

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall consult regularly or upon request regarding:

"(a) The economic development of the Marshall Islands or the Federated States of Micronesia; or

"(b) The services and programs referred to in this Article. These services and programs shall continue to be provided by the Government of the United States unless their modification is provided by mutual agreement or their termination in whole or in part is requested by any recipient Government.

"Section 223

"The citizens of the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

"Section 224

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may agree from time to time to the extension of additional United States grant assistance, services and programs as provided by the Laws of the United States, to the Marshall Islands or the Federated States of Micronesia, respectively.

"Section 225

"The Governments of the Marshall Islands and the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Marshall Islands or the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact or as may be mutually agreed thereafter.

"Section 226

"The Governments of the Marshall Islands and the Federated States of Micronesia may request, from time to time, technical assistance from the federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to the Marshall Islands and the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions. The Government of the United States shall coordinate the provision of such technical assistance in consultation with the respective recipient Government.

"Section 227

"In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available United States military Civic Action Teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement which shall come into effect simultaneously with this Compact.

"Article III

"Administrative Provisions

"Section 231

"Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. If these negotiations are not concluded by the fifteenth anniversary of the effective date of this Compact, the period of negotiations shall extend for not more than two additional years, during which time the provisions of this Compact including Title Three shall remain in full force and effect. During this additional period of negotiations, the Government of the United States shall continue its assistance to the Governments with which it is negotiating pursuant to this Section at a level which is the average of the annual amounts granted pursuant to Sections 211, 212, 213, 214, 215 and 216 during the first fifteen years of this Compact. The average annual amount paid pursuant to Sections 211, 212, 214 and 215 shall be adjusted pursuant to Section 217.

"Section 232

"The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Marshall Islands or the Federated States of Micronesia, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

"Section 233

"The Government of the United States, in consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Such audits shall be conducted on an annual basis during the first five years following the effective date of this Compact and shall be at no cost to the Government of the Marshall Islands or the Federated States of Micronesia.

"Section 234

"Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands or acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of the Marshall Islands and the Federated States of Micronesia as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the property of the Government of the United States for which the Government of the United States determines a continuing requirement.

"Section 235

"(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of the Marshall Islands or the Federated States of Micronesia, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

"(b) To provide for the continuity of administration, and to assure the Governments of the Marshall Islands and the Federated States of Micronesia that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

"Section 236

"Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Articles I and III of this Title. The obligation of the United States under Articles I and III of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

"Article IV

"Trade

"Section 241

"The Marshall Islands and the Federated States of Micronesia are not included in the customs territory of the United States.

"Section 242

"For the purpose of assessing duties on their products imported into the customs territory of the United States, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were insular possessions of the United States within the meaning of General Headnote 3(a) of the Tariff Schedules of the United States. The exceptions, valuation procedures and all other provisions of General Headnote 3(a) shall apply to any product deriving from the Marshall Islands or the Federated States of Micronesia.

"Section 243

"All products of the Marshall Islands or the Federated States of Micronesia imported into the customs territory of the United States which are not accorded the treatment set forth in Section 242 and all products of the United States imported into the Marshall Islands or the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

"Article V

"Finance and Taxation

"Section 251

"The currency of the United States is the official circulating legal tender of the Marshall Islands and the Federated States of Micronesia. Should the Government of the Marshall Islands or the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

"Section 252

"The Government of the Marshall Islands or the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

"Section 253

"A citizen of the Marshall Islands or the Federated States of Micronesia, domiciled therein, shall be exempt from:

"(a) Income taxes imposed by the Government of the United States upon fixed or determinable annual income.

"(b) Estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

"Section 254

"(a) In determining any income tax imposed by the Government of the Marshall Islands or the Federated States of Micronesia, those Governments shall have authority to impose tax upon income derived by a resident of the Marshall Islands or the Federated States of Micronesia from sources without the Marshall Islands and the Federated States of Micronesia, in the same manner and to the same extent as those Governments impose tax upon income derived from within their respective jurisdictions. If the Government of the Marshall Islands or the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Marshall Islands or the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Marshall Islands or the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term 'resident of the Marshall Islands or the Federated States of Micronesia' shall be deemed to include any person who was physically present in the Marshall Islands or the Federated States of Micronesia for a period of 183 or more days during any taxable year; provided, that as between the Government of the Marshall Islands and the Federated States of Micronesia, the authority to tax an individual resident of the Marshall Islands or the Federated States of Micronesia in respect of income from sources without the Marshall Islands and the Federated States of Micronesia as provided in this subsection may be exercised only by the Government in whose jurisdiction such individual was physically present for the greatest number of days during the taxable year.

"(b) If the Government of the Marshall Islands or the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

"Section 255

"Where not otherwise manifestly inconsistent with the intent of this Compact, provisions in the United States Internal Revenue Code that are applicable to possessions of the United States as of January 1, 1980 shall be treated as applying to the Marshall Islands and the Federated States of Micronesia. If such provisions of the Internal Revenue Code are amended, modified or repealed after that date, such provisions shall continue in effect as to the Marshall Islands and the Federated States of Micronesia for a period of two years during which time the Government of the

United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall negotiate an agreement which shall provide benefits substantially equivalent to those which obtained under such provisions.

"TITLE THREE

"SECURITY AND DEFENSE RELATIONS

"Article I

"Authority and Responsibility

"Section 311

"(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

"(b) This authority and responsibility includes:

"(1) the obligation to defend the Marshall Islands and the Federated States of Micronesia and their peoples from attack or threats thereof as the United States and its citizens are defended;

"(2) the option to foreclose access to or use of the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

"(3) the option to establish and use military areas and facilities in the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323.

"(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

"Section 312

"Subject to the terms of any agreements negotiated in accordance with Sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

"Section 313

"(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

"(b) The consultations referred to in this Section shall be conducted expeditiously at senior levels of the Governments concerned, and the subsequent determination by the Government of the United States referred to in this Section shall be made only at senior interagency levels of the Government of the United States.

"(c) The Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this Section.

"Section 314

"(a) Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia:

"(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

"(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

"(b) Unless otherwise agreed, other than for transit or over flight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

"(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

"(d) No material or substance referred to in this Section shall be stored in the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

"(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obligations of the Government of the United States under this Section or on the application of this subsection.

"(f) The provisions of this Section shall apply in the areas in which the Government of the Marshall Islands or the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

"Section 315

"The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of the Marshall Islands or the Federated States of Micronesia.

"Section 316

"The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

"Article II

"Defense Facilities and Operating Rights

"Section 321

"(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact.

"(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Marshall Islands or the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to Section 321(a), it may request the Government concerned to satisfy those requirements through leases or other arrangements. The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

"(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Marshall Islands and the Federated States of Micronesia. In making any requests pursuant to Section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

"Section 322

"The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Marshall Islands and the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

"Section 323

"The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Marshall Islands or the Federated States of Micronesia, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

"Article III

"Defense Treaties and International Security Agreements

"Section 331

"Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

"(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact.

"(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Marshall Islands and the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Marshall Islands or the Federated States of Micronesia.

"Article IV

"Service in Armed Forces of the United States

"Section 341

"Any person entitled to the privileges set forth in Section 141 shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

"Section 342

"The Government of the United States shall have enrolled, at any one time, at least two qualified students, one each from the Marshall Islands and the Federated States of Micronesia, as may be nominated by their respective Governments, in each of:

"(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

"(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

"Article V

"General Provisions

"Section 351

"(a) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall establish two Joint Committees empowered to consider disputes under the implementation of this Title and its related agreements.

"(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee. For the meetings of each Joint Committee, each of the two participating Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

"(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. A Joint Committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the Joint Committees so notified shall meet promptly in a combined session to consider matters within the jurisdiction of more than one Joint Committee. Each Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

"(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

"Section 352

"In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Governments of the Marshall Islands and the Federated States of Micronesia under Titles One, Two and Four and to their responsibility to assure the well-being of their peoples.

"Section 353

"(a) The Government of the United States shall not include any of the Governments of the Marshall Islands and the Federated States of Micronesia as named parties to a formal declaration of war, without their respective consent.

"(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Marshall Islands or the Federated States of Micronesia, which arise out of armed conflict subsequent to the effective date of this Compact and which are:

"(1) petitions to the Government of the United States for redress; or

"(2) claims in any manner against the government, citizens, nationals or entities of any third country.

"(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

"Section 354

"(a) Notwithstanding any other provision of this Compact, the provisions of this Title are binding from the effective date of this Compact for a period of fifteen years between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and thereafter as mutually agreed or in accordance with Section 231, unless earlier terminated by mutual agreement pursuant to Section 441, or amended pursuant to Article III of Title Four.

"(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Governments of the Marshall Islands and the Federated

States of Micronesia, and in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should terminate, any attack on the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes.

"TITLE FOUR

"GENERAL PROVISIONS

"Article I

"Approval and Effective Date

"Section 411

"This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of the Marshall Islands or the Federated States of Micronesia and subsequent to completion of the following:

"(a) Approval by the Government of the Marshall Islands or the Federated States of Micronesia in accordance with its constitutional processes.

"(b) Conduct of the plebiscite referred to in Section 412.

"(c) Approval by the Government of the United States in accordance with its constitutional processes.

"Section 412

"A plebiscite shall be conducted in each of the Marshall Islands and the Federated States of Micronesia for the free and voluntary choice by the peoples of the Trust Territory of the Pacific Islands of their future political status through informed and democratic processes. The Marshall Islands and the Federated States of Micronesia shall each be considered a voting jurisdiction, and the plebiscite shall be conducted under fair and equitable standards in each voting jurisdiction. The Administering Authority of the Trust Territory of the Pacific Islands, after consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall fix the date on which the plebiscite shall be called in each voting jurisdiction. The plebiscite shall be called jointly by the Administering Authority of the Trust Territory of the Pacific Islands and the other Signatory Government concerned. The results of the plebiscite in each voting jurisdiction shall be determined by a majority of the valid ballots cast in that voting jurisdiction.

"Article II

"Conference and Dispute Resolution

"Section 421

"The Government of the United States shall confer promptly at the request of the Government of the Marshall Islands or the Federated States of Micronesia and any of those Governments shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact or of its related agreements.

"Section 422

"In the event the Government of the United States, or the Government of the Marshall Islands or the Federated States of Micronesia, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments which are parties to the dispute shall make a good faith effort to resolve the dispute among themselves.

"Section 423

"If a dispute between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

"Section 424

"Should a dispute be referred to arbitration as provided for in Section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

"(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

"(b) The Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four and their related agreements.

"(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

"(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

"(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the other party to the dispute.

"Article III

"Amendment

"Section 431

"The provisions of this Compact may be amended as to the Governments of the Marshall Islands and the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement.

"Section 432

"The provisions of this Compact may be amended as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement. The effect of any amendment made pursuant to this Section shall be restricted to the relationship between the Governments agreeing to such amendment, but the other Governments signatory to this Compact shall be notified promptly by the

Government of the United States of any such amendment.

"Article IV

"Termination

"Section 441

"This Compact may be terminated as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States by mutual agreement and subject to Section 451.

"Section 442

"This Compact may be terminated by the Government of the United States as to the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

"Section 443

"This Compact shall be terminated, pursuant to their respective constitutional processes, by the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 453 if the people represented by such Government vote in a plebiscite to terminate. Such Government shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such Government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such Government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

"Article V

"Survivability

"Section 451

"Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

"Section 452

"(a) Should termination occur pursuant to Section 442, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

"(1) Article VI and Sections 172, 173, 176 and 177 of Title One;

"(2) Article I and Section 233 of Title Two;

"(3) Title Three; and

"(4) Articles II, III, V and VI of Title Four.

"(b) The Government of the United States shall also provide the Government as to which termination occurs pursuant to Section 442 with either the programs or services provided pursuant to Article II of Title Two as the time of termination, or their equivalent, as determined by the Government of the United States. Such assistance shall continue until the fifteenth anniversary of the effective date of this Compact, and thereafter as mutually agreed.

"Section 453

"(a) Should termination occur pursuant to Section 443, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

"(1) Article VI and Sections 172, 173, 176 and 177 of Title One;

"(2) Title Three; and

"(3) Articles II, III, V and VI of Title Four.

"(b) Upon receipt of notice of termination pursuant to Section 443, the Government of the United States and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the United States shall provide to the Government so terminating for the period ending on the fifteenth anniversary of the effective date of this Compact provided that the annual amounts specified in Sections 211, 212, 214, 215 and 216 shall continue without diminution. Such amounts, with the exception of those specified in Section 216, shall be adjusted according to the formula set forth in Section 217.

"Section 454

"Notwithstanding any other provision of this Compact:

"(a) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the peoples of the Marshall Islands and the Federated States of Micronesia.

"(b) The separate agreements referred to in Article II of the Title Three shall remain in effect in accordance with their terms which shall also determine the duration of Section 213.

"Article VI

"Definition of Terms

"Section 461

"For the purpose of this Compact only and without prejudice to the views of the Government of the United States or the Government of the Marshall Islands or the Federated States of Micronesia as to the nature and extent of the jurisdiction under international law of any of them, the following terms shall have the following meanings:

"(a) 'Trust Territory of the Pacific Islands' means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

"(b) 'Trusteeship Agreement' means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

"(c) 'The Marshall Islands' and 'the Federated States of Micronesia' are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

"(d) 'Government of the Marshall Islands' means the Government established and organized by the Constitution of the Marshall Islands including all the political subdivisions and entities comprising that Government.

" 'Government of the Federated States of Micronesia' means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

"(e) The following terms shall be defined consistent with the 1976 Edition of the Radio Regulations of the

International Telecommunications Union (ISBN 92-61-0081-5) as follows:

"(1) 'Radio Communications' means telecommunication by means of radio waves.

"(2) 'Station' means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radio communication service; each station shall be classified by the service in which it operates permanently or temporarily.

"(3) 'Broadcasting Service' means a radio communication service in which the transmissions are intended for direct reception by the general public, and which may include sound transmissions, television transmissions or other types of transmissions.

"(4) 'Broadcasting Station' means a station in the broadcasting service.

"(f) 'Frequency Assignment' means the same as 'Frequency Assignment' means in the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5).

"(g) 'Habitual Residence' means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full-time studies as long as such person maintains that status, or who has been physically present in the United States, the Marshall Islands, or the Federated States of Micronesia for less than one year, or who is a dependent of a resident representative, as described in Section 152.

"(h) For the purposes of Article IV of Title One of this Compact:

"(1) 'Actual Residence' means physical presence in the Marshall Islands or the Federated States of Micronesia during eighty-five percent of the period of residency required by Section 141(a)(3); and

"(2) 'Certificate of Actual Residence' means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

"(i) 'Military Areas and Facilities' means those areas and facilities in the Marshall Islands or the Federated States of Micronesia reserved or acquired by the Government of the Marshall Islands or the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in Section 321.

"(j) 'Capital Account' means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for:

"(1) the construction or major repair of capital infrastructure; or

"(2) public and private sector projects identified in the official overall economic development plan.

"(k) 'Current Account' means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

"(*l*) 'Official Overall Economic Development Plan' means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of the Marshall Islands or the Federated States of Micronesia. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

"(m) 'Tariff Schedules of the United States' means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

"(n) 'Vienna Convention on Diplomatic Relations' means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

"Section 462

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia, as appropriate, shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, as follows:

"(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 131 of the Compact of Free Association;

"(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association;

"(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association;

"(d) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

"(e) Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

"(f) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association;

"(g) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association;

"(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 227, 321 and 323 of the Compact of Free Association;

"(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association;

"(j) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

"(k) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

"Section 463

"(a) Except as set forth in Section 463(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.

"(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

"Article VII

"Concluding Provisions

"Section 471

"(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

"(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact.

"(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

"Section 472

"This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.

"IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.

"DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

"OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

"FOR THE GOVERNMENT

"OF

"THE UNITED STATES OF AMERICA

"AMBASSADOR FRED M. ZEDER, II
"PRESIDENT'S PERSONAL REPRESENTATIVE
"FOR MICRONESIAN STATUS NEGOTIATIONS

"DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

"OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

"FOR THE GOVERNMENT

"OF

"THE FEDERATED STATES OF MICRONESIA

"HONORABLE ANDON L. AMARAICH
"CHAIRMAN, COMMISSION ON FUTURE
"POLITICAL STATUS AND TRANSITION

"DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

"OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE

"FOR THE GOVERNMENT

"OF

"THE UNITED STATES OF AMERICA

"AMBASSADOR FRED M. ZEDER, II
"PRESIDENT'S PERSONAL REPRESENTATIVE
"FOR MICRONESIAN STATUS NEGOTIATIONS

"DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

"OF JUNE, ONE THOUSAND, NINE HUNDRED EIGHTY-THREE

"FOR THE GOVERNMENT

"OF

"THE MARSHALL ISLANDS

"PRESIDENT AMATA KABUA
"PRESIDENT OF THE REPUBLIC
"OF THE MARSHALL ISLANDS

"SEC. 202. JURISDICTION.

"(a) With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in the Marshall Islands or the Federated States of Micronesia.

"(b)(1) The defense sites of the United States established in the Marshall Islands or the Federated States of Micronesia in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18, United States Code.

"(2) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State of Hawaii by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

"(3) The United States District Court for the District of Hawaii shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii made applicable to the defense sites in the Marshall Islands or the Federated States of Micronesia by virtue of paragraph (2) of this subsection, committed by any person referred to in subsection (a) of this section.

"(4) The United States District Court for the District of Hawaii may appoint one or more magistrates for the defense sites in the Marshall Islands. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code, provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

"TITLE III—PACIFIC POLICY REPORTS

"SEC. 301. FINDINGS.

"The Congress finds that—

"(1) the United States does not have a clearly defined policy for United States noncontiguous Pacific areas (including the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the State of Hawaii, and the State of Alaska) and for United States-associated noncontiguous Pacific areas (including the Federated States of Micronesia, the Marshall Islands, and Palau);

"(2) the Federal Government has often failed to consider the implications for, effects on, and potential of noncontiguous Pacific areas in the formulation and conduct of foreign and domestic policy, to the detriment of both the attainment of the objectives of Federal policy and noncontiguous Pacific areas;

"(3) policies and programs designed for the United States as a whole may impose inappropriate standards on noncontiguous Pacific areas because of their unique circumstances and needs; and

"(4) the present Federal organizational arrangements for liaison with (and providing assistance to) the insular areas may not be adequate—

"(A) to coordinate the delivery of Federal programs and services to noncontiguous Pacific areas;

"(B) to provide a consistent basis for administration of programs;

"(C) to adapt policy to the special requirements of each area and modify the application of Federal programs, laws, and regulations accordingly;

"(D) to be responsive to the Congress in the discharge of its responsibilities; and

"(E) to attain the international obligations of the United States.

"SEC. 302. REPORTS.

"(a) Submission.—Not later than one year after the date of the enactment of this joint resolution [Jan. 14, 1985] and each five years thereafter, the Secretary of the Interior, in consultation with the Secretary of State, shall submit to the Congress and the President a report on United States noncontiguous Pacific areas policy together with such recommendations as may be necessary to accomplish the objectives of such policy.

"(b) Contents.—The reports required in subsection (a) of this section shall set forth clearly defined policies regarding United States, and United States associated, noncontiguous Pacific areas, including—

"(1) the role of and impacts on the noncontiguous Pacific areas in the formulation and conduct of foreign policy;

"(2) the applicability of standards contained in Federal laws, regulations, and programs to the noncontiguous Pacific areas and any modifications which may be necessary to achieve the intent of such laws, regulations, and programs consistent with the unique character of the noncontiguous Pacific areas;

"(3) the effectiveness of the Federal executive organizational arrangements for—

"(A) providing liaison between the Federal Government and the governments of the noncontiguous Pacific areas;

"(B) coordinating Federal actions in a manner which recognizes the unique circumstances and needs of the noncontiguous Pacific areas; and

"(C) achieving the objective of Federal policy and ensuring that the Congress receives the information necessary to discharge its responsibilities; and

"(4) actions which may be needed to facilitate the economic and social health and development of the noncontiguous Pacific areas, consistent with their self-determined objectives.

"SEC. 303. CONFERENCE.

"(a) Meeting.—Prior to submitting the reports required under section 302(b), the Secretary of the Interior, in consultation with the Secretary of State, shall convene a conference to obtain the views of the noncontiguous Pacific areas on the matters required to be addressed in such reports.

"(b) Participants.—Representatives of each of the noncontiguous Pacific areas; and the heads of all executive departments and agencies, and other public and private organizations concerned with the noncontiguous Pacific areas as requested by the Secretary of the Interior shall be entitled to be participants in the conference.

"(c) Written Comments.—The Secretary of the Interior shall afford participants in the conference an opportunity to submit written comments for inclusion in the reports required under section 302.

"SEC. 304. ADMINISTRATIVE MATTERS.

"(a) Administrative Support.—The Secretary of the Interior shall provide all necessary administrative support to accomplish the requirements of sections 302 and 303.

"(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

"SEC. 401. FREELY ASSOCIATED STATES TARIFF TREATMENT.

"(a) Section 242.—Section 242 of the Compact shall be construed and applied as if it read as follows:

" 'Section 242

" 'The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia or the Marshall Islands which shall apply during the period of effectiven[e]ss of this title:

" '(1) Unless otherwise excluded, articles imported from the Federated States of Micronesia or the Marshall Islands, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 U.S.C. 2463(b); 2464(c)), shall be exempt from duty.

" '(2) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia and the Marshall Islands during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

" '(3) The duty-free treatment provided under paragraph (1) shall not apply to—

" '(A) watches, clocks, and timing apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States;

" '(B) buttons (whether finished or not finished) provided for in item 745.32 of such Schedules;

" '(C) textile and apparel articles which are subject to textile agreements; and

" '(D) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of chapter V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

" '(4) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia or the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.'.

"(b) Section 243.—Section 243 of the Compact shall be construed and applied as if it read as follows:

" 'Section 243

" 'Articles imported from the Federated States of Micronesia or the Marshall Islands which are not exempt from duty under paragraphs (1), (2), (3), and (4) of section 242 shall be subject to the rates of duty set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States imported into the Federated States of Micronesia or the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.'.

“SEC. 402. CONSTRUCTION OF SECTION 253 OF THE COMPACT.

“(a) Subsection (a) of section 253 of the Compact shall not apply.

“(b) Subsection (b) of section 253 of the Compact shall apply only to individuals who are nonresidents and not citizens of the United States.

“SEC. 403. CONSTRUCTION OF SECTION 254 OF THE COMPACT.

“The relief from liability referred to in the second sentence of section 254(a) of the Compact means only—

“(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

“(2) relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1954 [26 U.S.C. 911].

“SEC. 404. CONSTRUCTION OF SECTION 255 OF THE COMPACT.

“Section 255 of the Compact shall be construed and applied as if it read as follows:

“ ‘Section 255

“ ‘(a) Extension of Section 936 to the Marshall Islands and the Federated States of Micronesia.—For purposes of section 936 of the Internal Revenue Code of 1954, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were possessions of the United States.

“ ‘(b) Exchange of Information.—Subsection (a) shall not apply to the Marshall Islands and the Federated States of Micronesia (as the case may be) for any period after December 31, 1986, during which there is not in effect between the appropriate government and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

“ ‘(c) Procedure If Section 936 Incentives Reduced.—If the tax incentives extended to the Marshall Islands and the Federated States of Micronesia under subsection (a) are, at any time during which the Compact is in effect, reduced, the Secretary of the Treasury shall negotiate an agreement with the Marshall Islands and the Federated States of Micronesia under which, when such agreement is approved by law, they will be provided with benefits substantially equivalent to such reduction in benefits. If, within the 1 year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to section 424 of the Compact. For purposes of Article V of Title Two of the Compact, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.’.

“SEC. 405. THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA TREATED AS NORTH AMERICAN AREA.

“For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1954 [26 U.S.C. 274(h)(3)(A)], the term ‘North American Area’ shall include the Marshall Islands and the Federated States of Micronesia.

“SEC. 406. EFFECTIVE DATE.

“This title shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

“SEC. 407. STUDY OF TAX PROVISIONS.

“The Secretary of the Treasury or his delegate—

“(1) shall conduct a study of the effects of the tax provisions of the Compact (as clarified by the foregoing provisions of this title), and

“(2) shall report the results of such study before October 1, 1987, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

“SEC. 408. COORDINATION WITH OTHER PROVISIONS.

“Nothing in any provision of this joint resolution (other than this title) which is inconsistent with any provision of this title shall have any force or effect.

“TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

“SEC. 501. APPROVAL IN PRINCIPLE.

“(a) Subject to subsection (b) of this section, Congress expresses its approval in principle of the Compact of Free Association Between the Government of the United States of America and the Government of the Republic of Palau, the text of which was printed in the Congressional Record of November 14, 1985 on pages S15622 through S15628, inclusive, and which is also printed as Committee Print No. 4 of the Committee on Interior and Insular Affairs of the House of Representatives of the 99th Congress.

“(b) A Compact with Palau after it is transmitted to Congress by the President shall take effect only upon—

“(1) a certification by the President to the Congress that the Republic of Palau has approved a Compact in accordance with section 411 of the Compact described in subsection (a) and that the President has determined that the United States will be able to carry out fully its rights and responsibilities under Title Three of the Compact described in subsection (a) and the subsidiary agreements thereto; and

“(2) enactment by the Congress of a joint resolution approving a compact and providing for its implementation.

“SEC. 502. MODIFICATIONS OF COMPACT.

“Title IV and Sections 105(b), 105(c), 105(h)(1), 105(*l*), and 202 of this joint resolution shall apply to a compact with Palau, except that any reference in such sections to the Compact shall be treated as referring to the Compact described in section 501 of this joint resolution, and any reference in such Title and sections to the Federated States of Micronesia or the Marshall Islands shall be treated as referring to the Republic of Palau. For purposes of applying section 242(2) of the Compact, the annual 10 percent limitation on duty-free imports of canned tuna applies to imports from the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau.”

Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America

Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, as amended by Pub. L. 98-213, § 9, Dec. 8, 1983, 97 Stat. 1461, provided:

[*See main edition for text of “Whereas” clauses*]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved.

"COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

[*See main edition for text of first five pars.; Articles I to V*]

"ARTICLE VI

"REVENUE AND TAXATION

[*See main edition for text of Secs. 601 to 605*]

"SECTION 606 [*See main edition for text of* (*a*)]

"(b) Those laws of the United States which impose excise and self-employment taxes to support or which provide benefits from the United States Social Security System will on January 1 of the first calendar year following the termination of the Trusteeship Agreement or upon such earlier date as may be agreed to by the Government of the Northern Mariana Islands and the Government of the United States become applicable to the Northern Mariana Islands as they apply to Guam. (As amended Pub. L. 98-213, § 9, Dec. 8, 1983, 97 Stat. 1461.)

[*See main edition for text of* (*c*)*; Sec. 607; Articles VII to X*]

PROC. NO. 5207. APPLICATION OF CERTAIN LAWS OF THE UNITED STATES TO CITIZENS OF THE NORTHERN MARIANA ISLANDS

Proc. No. 5207, June 7, 1984, 49 F.R. 24365, provided: The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence and to protect the rights and fundamental freedoms of its peoples.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263; 48 U.S.C. 1681, note) pursuant to which many provisions of the laws of the United States became applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Section 2) [set out as a note above].

Sections 19 and 20 of Public Law 98-213 (97 Stat. 1464) [set out as a note above] authorize the President, subject to certain limitations, to provide by proclamation that requirements "of United States citizenship or nationality provided for in any of the statutes listed on pages 63-74 of the Interim Report of the Northern Mariana Islands Commission on Federal Laws to the Congress of the United States, dated January 1982 and submitted pursuant to section 504 of the Covenant, shall not be applicable to the citizens of the Northern Mariana Islands."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by sections 19 and 20 of Public Law 98-213, do hereby proclaim as follows:

1. *Statutes relating to the uniformed services.* No requirement of United States citizenship in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant to become a national but not a citizen of the United States.

(a) Sections 311, 510, 591, 2004, 2031, 2107, 4348, 6019, 6911, 6958, 6959, 8257, and 9348 of title 10, United States Code;

(b) Sections 195, 371, 706, and 823 of title 14, United States Code; and

(c) Section 313 of title 32, United States Code.

2. *Statutes relating to Federal employment.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 5342, 5343, 5561, 5595, 5912, 5922, 6301, 7103, 7532, 8171, 8501, 8701, and 8901 of title 5, United States Code;

(b) Section 22 of title 13, United States Code;

(c) Section 2 of Public Law 86-91, 73 Stat. 213 (20 U.S.C. 901);

(d) Section 636 of Public Law 87-195, 75 Stat. 457, as amended (22 U.S.C. 2396);

(e) Sections 5 and 6 of Public Law 87-293, 75 Stat. 613, 615, as amended (22 U.S.C. 2504 and 2505);

(f) Section 15 of Public Law 90-202, as added by section 28(b)(2) of Public Law 93-259, 88 Stat. 74, and as amended (29 U.S.C. 633a);

(g) Sections 235 and 4105 of title 38, United States Code;

(h) Section 203 of the Act of July 1, 1944, c.373, 58 Stat. 683, as amended (42 U.S.C. 204); and

(i) Civil Service Rules VII and VIII (5 C.F.R. parts 7 and 8).

3. *Statutes relating to protection and services in foreign countries.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Section 1486 of title 10, United States Code;

(b) Section 3(g) of the Act of August 1, 1956, c.841, 70 Stat. 890 (22 U.S.C. 2670(g));

(c) Sections 1734 and 1737 of the Revised Statutes of 1878, as amended (22 U.S.C. 4217 and 4218);

(d) Sections 1305 and 3342 of title 31, United States Code;

(e) Section 4295 of the Revised Statutes of 1878 (33 U.S.C. 383); and

(f) Section 1113 of the Act of August 14, 1935, c.531, as added by section 302 of Public Law 87-64, 75 Stat. 142, and as amended (42 U.S.C. 1313).

4. *Statutes relating to commerce.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 302, 310D, 311, and 321 of Public Law 87-128, 75 Stat. 307, as added and amended (7 U.S.C. 1922, 1934, 1941, and 1961);

(b) Section 5146 of the Revised Statutes of 1878, as amended (12 U.S.C. 72);

(c) Subsection (a) of section 25 of the Act of December 23, 1913, c.6, as added by the Act of December 24, 1919, c.18, 41 Stat. 378, and as amended (12 U.S.C. 619);

(d) Subsection (a) of section 7 of the Act of July 22, 1932, c.522, 47 Stat. 730, as amended (12 U.S.C. 1427(a));

(e) Subsection (b) of section 5.1 of Public Law 92-181, 85 Stat. 614 (12 U.S.C. 2222);

(f) Subsection (i) of section 44 of the Act of July 5, 1946, c.540, 60 Stat. 443, as amended (15 U.S.C. 1126(i));

(g) Subsection (b)(7) of section 4 of the Act of August 8, 1956, c.1036, 70 Stat. 1121, as amended (16 U.S.C. 742c(b)(7));

(h) Subsection (e) of section 4 of the Act of June 10, 1920, c.285, 41 Stat. 1065, as amended (16 U.S.C. 797(e));

(i) Section 104(b) of title 17, United States Code;

(j) Subsection (a) of section 526 of the Act of June 17, 1930, c.497, 46 Stat. 741, as amended (19 U.S.C. 1526(a));

(k) Subsection (a)(5) of section 2 of the Act of June 20, 1936, c.638, 49 Stat. 1559, as amended (20 U.S.C. 107a(a)(5));

(*l*) Section 238 of Public Law 87-195, as added by section 105 of Public Law 91-175, 83 Stat. 816, and as amended (22 U.S.C. 2198);

(m) Subsection (b)(7) of section 622 of Public Law 96-294, 94 Stat. 766 (30 U.S.C. 1522(b)(7));

(n) Subsection (5) of section 3 of Public Law 93-627, 88 Stat. 2127 (33 U.S.C. 1502(5));

(*o*) Subsection (f)(3) of section 514 of the Act of July 15, 1949, c.338, as added by subsection (a) of section

804 of Public Law 87-70, 75 Stat. 186, and as amended (42 U.S.C. 1484(f)(3));

(p) Subsection (d) of section 103 and subsection (d) of section 104 of the Act of August 1, 1946, c.724, as added by section 1 of the Act of August 30, 1954, c.1073, 68 Stat. 936 and as amended (42 U.S.C. 2133(d) and 2134(d));

(q) Subsection (b)(2)(A) of section 7 of Public Law 93-577, 88 Stat. 1884 (42 U.S.C. 5906(b)(2)(A));

(r) Subsection (p)(1) of section 19 of Public Law 93-577, as added by subsection (b) of section 207 of Public Law 95-238, 92 Stat. 61 (42 U.S.C. 5919(p)(1));

(s) Subsection (b) of section 179 of Public Law 96-294, 94 Stat. 679 (42 U.S.C. 8779(b)(4));

(t) Subsection (a)(3) of section 2, subsection (18) of section 3, section 101, and subsection (e)(2)(C) of section 108 of Public Law 96-320, 94 Stat. 974, 976, 987 (42 U.S.C. 9101(a)(3); 9102(18); 9111; and 9118(e)(2)(C));

(u) Section 4219 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 121);

(v) Sections 7102 and 8103 of title 46, United States Code;

(w) Section 4377 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 325);

(x) Section 36 of the Act of September 7, 1916, c.451, 39 Stat. 738 (46 U.S.C. App. 834);

(y) Sections 501, 509, 601, 809(a) of the Act of June 29, 1936, c.858, 49 Stat. 1995, 2000, 2001, 2015, as amended (46 U.S.C. App. 1151, 1159, 1171, 1213);

(z) Sections 1103 and 1104 of the Act of June 23, 1938, c.600, 52 Stat. 969, 970, as added and amended (46 U.S.C. App. 1273 and 1274);

(aa) Subsection (a) of section 203 of Public Law 96-320, 94 Stat. 992 (46 U.S.C. App. 1279c(a));

(bb) Sections 1201 and 1203 of the Act of June 29, 1936, c.858, as added by the Act of September 7, 1950, c.906, 64 Stat. 773, and as amended (46 U.S.C. App. 1281 and 1283);

(cc) Sections 1301, 1303, 1304, and 1306 of Public Law 96-453, 94 Stat. 1997, 1998, 2003, 2006 (46 U.S.C. App. 1295, 1295b, 1295c, and 1295e);

(dd) Subsection (16) of section 101, section 104, subsection (d)(4) of section 401, and section 418 of Public Law 85-726, 72 Stat. 738, 740, 754, as added and amended (49 U.S.C. 1301(16), 1304, and 1371(d)(4));

(ee) Section 418 of Public Law 85-726, as added by subsection (a) of section 17 of Public Law 95-163, 91 Stat. 1284, and as amended (49 U.S.C. 1388); and

(ff) Sections 501, 602, and 1303 of Public Law 85-726, 72 Stat. 771, 776, 801, as amended (49 U.S.C. 1401, 1422, and 1533).

5. *Statutes relating to political and civil rights.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands, provided, however, that nothing herein shall be construed to confer upon citizens of the Northern Mariana Islands the right to vote in Federal, State, or local elections outside the Northern Mariana Islands, or to serve on juries outside the Northern Mariana Islands.

(a) Section 319 of Public Law 92-225, as added by subsection (2) of section 112 of Public Law 94-283, 90 Stat. 486, and as redesignated by subsection (5) of section 105 of Public Law 96-187, 93 Stat. 1354 (2 U.S.C. 441e);

(b) Section 552a(a)(2) of title 5, United States Code;

(c) Sections 241 and 243, subsection (b)(5) of section 245, and subsection (a) of section 4001 of title 18, United States Code;

(d) Sections 4080 and 4081 of the Revised Statutes of 1878, as amended (22 U.S.C. 257 and 258);

(e) Subsection (b)(2) of section 1 of the Act of June 8, 1938, c.327, 52 Stat. 631, as amended (22 U.S.C. 611(b)(2));

(f) Sections 1332, 1343, 1344, 1391, 1443, 1861, 1862, and 1863 of title 28, United States Code;

(g) Section 505 of the Act of June 30, 1948, c.758, as added by section 2 of Public Law 92-500, 86 Stat. 888 (33 U.S.C. 1365);

(h) Subsection (a)(1) of section 2004 of the Revised Statutes of 1878, as amended (42 U.S.C. 1971(a)(1));

(i) Section 2, subsection (b) of section 3, section 4, and subsection (a) of section 10 of Public Law 89-110, as amended, 79 Stat. 437, 438, 442 (42 U.S.C. 1973, 1973a(b), 1973b, and 1973h(a));

(j) Subsection (a) of section 201 of Public Law 89-110, as added by section 6 of Public Law 91-285, 84 Stat. 315, and as amended (42 U.S.C. 1973aa(a));

(k) Section 203 of Public Law 89-110, as added by section 301 of Public Law 94-73, 89 Stat. 402 (42 U.S.C. 1973aa-1a);

(*l*) Section 5 of Public Law 98-183, 97 Stat. 1304 (42 U.S.C. 1975c);

(m) Section 1979 of the Revised Statutes of 1878, as amended (42 U.S.C. 1983);

(n) Section 1980 of the Revised Statutes of 1878 (42 U.S.C. 1985);

(*o*) Section 702 of Public Law 88-352, 78 Stat. 255, as amended (42 U.S.C. 2000e-1);

(p) Section 717 of Public Law 88-352, as added and amended by section 11 of Public Law 92-261, 86 Stat. 111 (42 U.S.C. 2000e-16);

(q) Section 2 of the Act of March 2, 1917, c.145, 39 Stat. 951, as amended (48 U.S.C. 737);

(r) Subsection (i) of section 101 of Public Law 95-511, 92 Stat. 1783 (50 U.S.C. 1801);

(s) Subsection (b)(3) of section 10 of the Act of June 24, 1948, c.625, 62 Stat. 619, as amended (50 U.S.C. App. 460(b)(3));

(t) Section 104 of the Act of October 17, 1940, c.888, as added by section 4 of the Act of October 6, 1942, c.581, 56 Stat. 770 (50 U.S.C. App. 514); and

(u) Section 512 of the Act of October 17, 1940, c.888, 54 Stat. 1190, as amended (50 U.S.C. App. 572).

6. *Statutes relating to Federal programs and benefits.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Subsection (a) of section 2545 of title 10, United States Code;

(b) Subsection (m)(2) of section 2(3) of the Act of September 21, 1950, c.967, as added by section 6(c)(4) of Public Law 95-369, 92 Stat. 614 (12 U.S.C. 1813(m)(2));

(c) Subsection (b) of section 500 of title 14, United States Code;

(d) Paragraphs (4) and (5) of subsection (a) of section 4 of Public Law 88-578, as added by section 2 of Public Law 92-347, 86 Stat. 459, as amended, and by subsection (2) of section 9 of Public Law 96-344, 94 Stat. 1135 (16 U.S.C. 460*l*-6a(a)(4) and (5));

(e) Section 29 of the Act of August 1, 1956, c.841, as added by section 2201 of Public Law 96-465, 94 Stat. 2154 (22 U.S.C. 2701);

(f) Subsection (g) of section 9 of the Act of March 4, 1927, c.509, 44 Stat. 1430, as amended (33 U.S.C. 909(g));

(g) Subsection (b) of section 624 of title 38, United States Code;

(h) Subsection (b)(12) of section 788, of the Act of July 1, 1944, c.373, as added by subsection (a) of section 801 of Public Law 94-484, 90 Stat. 2318, as amended (42 U.S.C. 295g-8(b)(12));

(i) Subsection (b)(3) of section 2 and section 4 of the Act of August 14, 1935, c.531, 49 Stat. 620, 622, as amended (42 U.S.C. 302(b)(3) and 304);

(j) Subsection (t) of section 202 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 118 of the Act of August 1, 1956, c.836, 70 Stat. 835, and as amended (42 U.S.C. 402(t));

(k) Subsection (a)(4) of section 103 of Public Law 89-97, 79 Stat. 333, as amended (42 U.S.C. 426a(a)(4));

(*l*) Subsection (a)(3) of section 228 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 302 of Public Law 89-368, 80 Stat. 67, as amended (42 U.S.C. 428(a)(3));

(m) Subsection (b)(2) of section 1002 and section 1004 of the Act of August 14, 1935, c.531, 49 Stat. 646, as amended (42 U.S.C. 1202(b)(2) and 1204);

(n) Subsection (b)(2) of section 1402 and section 1404 of the Act of August 14, 1935, c.531, as added by section 351 of the Act of August 28, 1950, c.809, 64 Stat. 555 (42 U.S.C. 1352(b)(2) and 1354);

(o) Subsection (b) of section 2 of the Act of August 16, 1941, c.357, 55 Stat. 623 (42 U.S.C. 1652(b));

(p) Subsection (c) of section 101 of the Act of December 2, 1942, c.668, 56 Stat. 1028, as amended (42 U.S.C. 1701(c));

(q) Section 10 of the Act of May 10, 1950, c.171, 64 Stat. 152, as amended (42 U.S.C. 1869);

(r) Subsection (c) of section 2 of Public Law 86-209, 73 Stat. 431 (42 U.S.C. 1881(c)); and

(s) Section 2 of the Act of August 3, 1950, c.520, 64 Stat. 397 (42 U.S.C. 1922).

7. As used in this Proclamation:

(a) "Covenant" means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by the Joint Resolution of March 24, 1976 (90 Stat. 263, 48 U.S.C. 1681, note).

(b) "Citizen of the Northern Mariana Islands" means a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—

(1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or

(2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975.

(c) "Domicile" means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

(d) "Statute which imposes a requirement of United States citizenship or nationality" includes any statute which denies a benefit or imposes a burden or a disability on an alien, his dependents, or his survivors.

8. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant, the benefits acquired under this Proclamation shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant to become a national but not a citizen of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN.

§ 1682. Purchases by government of Trust Territory of the Pacific Islands

[See main edition for text]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1239.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

Section, as it relates to the Virgin Islands, Guam, and American Samoa, is classified to sections 1401f, 1423*l*, and 1665 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1851.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 932.

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

§ 1683. Auditing of transactions of Trust Territory of the Pacific Islands

[See main edition for text]

(Dec. 19, 1985, Pub. L. 99-190, § 101(d) [title I, § 100], 99 Stat. 1224, 1239.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(c) [title I, § 100], 98 Stat. 1837, 1851.

Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 932.

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

§§ 1686, 1687. Omitted

CODIFICATION

Section 1686, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which prohibited new activity in the Trust Territory of the Pacific Islands requiring expenditures of Federal funds without specific prior approval of Congress, was not repeated in subsequent appropriation acts. Section was formerly classified to section 1439 of this title.

Section 1687, act Nov. 4, 1983, Pub. L. 98-146, title I, § 100, 97 Stat. 932, which provided that appropriations available for administration of Trust Territory of the Pacific Islands could be expended for purchase, etc., of surface vessels for official expenses and for commercial transportation expenses, was from the Department of the Interior and Related Agencies Appropriation Act, 1984, and was not repeated in subsequent appropriation acts. Section was formerly classified to section 1440 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Dec. 30, 1982, Pub. L. 97-394, title I, § 100, 96 Stat. 1979.

Dec. 23, 1981, Pub. L. 97-100, title I, § 100, 95 Stat. 1402.

Dec. 12, 1980, Pub. L. 96-514, title I, § 100, 94 Stat. 2969.

Nov. 27, 1979, Pub. L. 96-126, title I, § 100, 93 Stat. 966.

Oct. 17, 1978, Pub. L. 95-465, title I, § 100, 92 Stat. 1289.

July 26, 1977, Pub. L. 95-74, title I, § 100, 91 Stat. 295.

July 31, 1976, Pub. L. 94-373, title I, § 100, 90 Stat. 1053.

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 988.

Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 813.

Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 434.

Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 513.

Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.

July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.

Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 152.

July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 431.

June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.

May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.

June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.

July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.

July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.

Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 340.

Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 251.

May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 113.

June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.

June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 164.

July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 266.

June 13, 1956, ch. 380, title I, § 101, 70 Stat. 265.

June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.

July 1, 1954, ch. 446, title I, § 1, 68 Stat. 372.

§ 1694. District Court for the Northern Mariana Islands

[*See main edition for text of* (*a*)]

(b) Appointment, tenure, removal, compensation, etc., of District Court judge; appointment of United States attorney and United States marshal

(1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of ten years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mariana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

[*See main edition for text of* (*3*), (*4*)]

(c) Applicability of Federal rules and statutory requirements

Where appropriate, and except as otherwise provided in articles IV and V of the Covenant approved by the Act of March 24, 1976 (90 Stat. 263), the provisions of part II of title 18 and of titles [1] 28, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom; except that the terms "Attorney for the government" and "United States attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the Attorney General of the Northern Mariana Islands or such other person or persons as may be authorized by the laws of the Northern Mariana Islands to act therein.

(As amended Pub. L. 98-454, title IX, § 901, Oct. 5, 1984, 98 Stat. 1744.)

REFERENCES IN TEXT

The Act of March 24, 1976 (90 Stat. 263), referred to in subsec. (c), is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which incorporates therein the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America and is set out as a note under section 1681 of this title.

The Federal Rules of Criminal Procedure, referred to in subsec. (c), are classified to the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98-454, § 901(a), substituted "for a term of ten years" for "for a term of eight years".

Subsec. (b)(2). Pub. L. 98-454, § 901(b), added "or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands" after "President" in first sentence.

Subsec. (c). Pub. L. 98-454, § 901(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The provisions of chapters 43 and 49 of title 28, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms 'attorney for the government' and 'United States attorney' as used in the Federal Rules of Criminal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

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[1] So in original.

EXTENSION OF TERM OF DISTRICT JUDGES

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1004 of Pub. L. 98-454, set out as a note under section 1424b of this title.

§ 1694a. Jurisdiction of District Court; original jurisdiction; procedural requirements

(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States.

[*See main edition for text of* (*b*)]

(As amended Pub. L. 98-454, title IX, § 902, Oct. 5, 1984, 98 Stat. 1744.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 amended subsec. (a) generally, substituting ", including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States" for ", except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

§ 1694b. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules

(a) Appellate jurisdiction of District Court

Prior to the establishment of an appellate court for the Northern Mariana Islands the district court shall have such appellate jurisdiction over the courts established by the Constitution or laws of the Northern Mariana Islands as the Constitution and laws of the Northern Mariana Islands provide, except that such Constitution and laws may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) (hereinafter referred to as "Covenant"), or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Northern Mariana Islands or of any orders or regulations issued or actions taken by the executive branch of the government of the Northern Mariana Islands with the Constitution, treaties, or laws of the United States, including the Covenant or with any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1694(b)(2) of this title: *Provided,* That no more than one of them may be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(As amended Pub. L. 98-454, title IX, § 903, Oct. 5, 1984, 98 Stat. 1744.)

REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263), referred to in subsec. (a), is incorporated in Pub. L. 94-241, Mar. 24, 1976, 94 Stat. 241, set out as a note under section 1681 of this title.

AMENDMENTS

1984—Pub. L. 98-454 designated existing provisions as subsec. (a), in subsec. (a) as so designated substituted provisions governing the appellate jurisdiction of the District Court prior to the establishment of the appellate court for former provisions which related to the appellate jurisdiction of the court and certain procedural matters which are covered under subsec. (b), and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

§ 1694c. Relations between courts of United States and courts of Northern Mariana Islands; applicability of statutory provisions

(a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings, except as otherwise provided in article IV of the covenant: *Provided*, That for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States court of appeals for the judicial circuit which includes the Northern Mariana Islands shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties, or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to section 1694b of this title.

[*See main edition for text of* (*b*)]

(As amended Pub. L. 98-454, title IX, § 904, Oct. 5, 1984, 98 Stat. 1745.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 added "including the Supreme Court of the United States," after "courts of the United States" in first sentence.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on the ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

TITLE 49—TRANSPORTATION

This title was enacted by Pub. L. 95-473, § 1, Oct. 17, 1978, 92 Stat. 1337, and Pub. L. 97-449, § 1, Jan. 12, 1983, 96 Stat. 2413

Legislative Purpose and Construction

Section 5 of Pub. L. 98-216, Feb. 14, 1984, 98 Stat. 7, provided that:

"(a) Sections 1-4 of this Act restate, without substantive change, laws enacted before April 1, 1983, that were replaced by those sections. Sections 1-4 may not be construed as making a substantive change in the laws replaced. Laws enacted after March 31, 1983, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

"(b) A reference to a law replaced by sections 1-4 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

"(c) An order, rule, or regulation in effect under a law replaced by sections 1-4 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

"(d) An action taken or an offense committed under a law replaced by sections 1-4 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

"(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline of the provision.

"(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications."

Repeals and Savings Provisions

Section 6(a) of Pub. L. 98-216, Feb. 14, 1984, 98 Stat. 7, provided that: "The repeal of a law enacted by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal."

Section 6(b) of Pub. L. 98-216, Feb. 14, 1984, 98 Stat. 7, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Feb. 14, 1984.

SUBTITLE I—DEPARTMENT OF TRANSPORTATION

CHAPTER 1—ORGANIZATION

§ 102. Department of Transportation

[*See main edition for text of* (*a*) *to* (*c*)]

(d) The Department has an Associate Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Associate Deputy Secretary shall carry out powers and duties prescribed by the Secretary.

(e)[1] The Department has 4 Assistant Secretaries and a General Counsel appointed by the President, by and with the advice and consent of the Senate. The Department also has an Assistant Secretary of Transportation for Administration appointed in the competitive service by the Secretary, with the approval of the President. They shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary or the General Counsel, in the order prescribed by the Secretary, acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of the Secretary and Deputy Secretary are vacant.

(e)[1] The Department shall have a seal that shall be judicially recognized.

(As amended Pub. L. 98-557, § 26(a), Oct. 30, 1984, 98 Stat. 2873.)

Amendments

1984—Subsecs. (d), (e). Pub. L. 98-557 added subsec. (d) and redesignated former subsec. (d), relating to Assistant Secretaries and General Counsel, as (e).

Person Holding Position of Associate Deputy Secretary Until April 15, 1985

Section 26(c) of Pub. L. 98-557 provided that: "Notwithstanding any other provision of law, until April 15, 1985, the position created by subsection (a) of this section [adding subsec. (d) of this section] may be held by a person named by the President alone from among qualified individuals."

§ 103. Federal Railroad Administration

[*See main edition for text of* (*a*) *and* (*b*)]

(c) The Administrator shall carry out—

(1) duties and powers related to railroad safety vested in the Secretary by section 6(e)(1), (2), and (6)(A) of the Department of Transportation Act (49 App. U.S.C. 1655(e)(1), (2), and (6)(A)); and

[*See main edition for text of* (*2*); (*d*)]

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

Amendments

1984—Subsec. (c)(1). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

§ 106. Federal Aviation Administration

[*See main edition for text of* (*a*) *to* (*f*)]

(g) The Administrator shall carry out—

(1) duties and powers of the Secretary related to aviation safety (except those related to

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[1] There are two subsecs. (e).

transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of this title and sections 306-309, 312-314, 1101, 1105, and 1111 and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958 (49 App. U.S.C. 1347-1350, 1353-1355, 1421 et seq., 1441 et seq., 1471 et seq., 1501, 1505, 1511, and 1521 et seq.); and

(2) additional duties and powers prescribed by the Secretary.

(h) Section 103 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1303) applies to duties and powers specified in subsection (g)(1) of this section. Any of those duties and powers may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers is administratively final.

[*See main edition for text of* (*i*)]

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Subsecs. (g)(1), (h). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

APPOINTMENT OF RETIRED NAVY OFFICER AS ADMINISTRATOR

Pub. L. 98-256, Apr. 10, 1984, 98 Stat. 125, provided that:

"SECTION 1. Notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the consent of the Senate, is authorized to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration. Mr. Engen's appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that the Act of August 19, 1964, Public Law 88-448 (the Dual Compensation Act), as amended (5 U.S.C. 5531, et seq.), affects the amount of retired pay to which he is entitled by law during his service in the Office of Administrator of the Federal Aviation Administration. So long as he holds the Office of Administrator of the Federal Aviation Administration, Mr. Engen shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Navy, and shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, and shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of the Dual Compensation Act, as amended.

"SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, Mr. Engen shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Navy.

"SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military persons to the Office of Administrator of the Federal Aviation Administration in the future."

§ 109. Maritime Administration

REFERENCES IN TEXT

Sections 2 and 4 of the Maritime Act of 1981 (46 U.S.C. 1601, 1602), referred to in text, are classified to sections 1601 and 1603 of Title 46, Appendix, Shipping.

CHAPTER 3—GENERAL DUTIES AND POWERS

SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

Sec.
308. Reports.

AMENDMENTS

1984—Pub. L. 98-216, § 2(1)(B), Feb. 14, 1984, 98 Stat. 5, substituted "Reports" for "Annual reports" in item 308.

SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

§ 301. Leadership, consultation, and cooperation

COMMERCIAL EXPENDABLE LAUNCH VEHICLE ACTIVITIES

Designation of Department of Transportation as lead agency and duties of the Secretary for encouraging, facilitating, and developing commercial expendable launch vehicle operations by private enterprise, see Ex. Ord. No. 12465, Feb. 24, 1984, 49 F.R. 7211, set out under section 2465 of Title 42, The Public Health and Welfare.

§ 302. Policy standards for transportation

[*See main edition for text of* (*a*)]

(b) Subtitle I and chapter 31 of subtitle II of this title and the Department of Transportation Act (49 App. U.S.C. 1651 et seq.) do not authorize, without appropriate action by Congress, the adoption, revision, or implementation of a transportation policy or investment standards or criteria.

[*See main edition for text of* (*c*)]

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

§ 306. Prohibited discrimination

[*See main edition for text of* (*a*)]

(b) A person in the United States may not be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a project, program, or activity because of race, color, national origin, or sex when any part of the project, program, or activity is financed through financial assistance under section 332 or 333 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), title V or VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq., 851 et seq.), or section 4(i) or 5 of the Department of Transportation Act (49 App. U.S.C. 1653(i), 1654).

[See main edition for text of (c) to (e)]

(As amended Pub. L. 98-216, § 2(3), Feb. 14, 1984, 98 Stat. 5.)

HISTORICAL AND REVISION NOTES

1984 ACT

This is necessary to correct a cross-reference in section 306(b) and to reflect the transfer of the non-positive law provisions of title 49 to title 49 appendix.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-216 substituted "section 332 or 333 of this title" for "section 332 of this title" and "49 App. U.S.C." for "49 U.S.C.".

§ 308. Reports

(a) As soon as practicable after the end of each fiscal year, the Secretary of Transportation shall report to the President, for submission to Congress, on the activities of the Department of Transportation during the prior fiscal year.

[See main edition for text of (b) and (c)]

(d) By the 90th day after the end of each fiscal year, the Secretary shall submit to Congress a report listing the specific assistance provided by the United States Government to the railroad industry during that fiscal year. The report shall include—

(1) the reasons for each Government loan or grant and explain the way in which the loan or grant contributed to the overall goal of providing a safe and efficient transportation system;

(2) information on the financial condition of each railroad having a loan guaranteed under the Emergency Rail Services Act of 1970 (45 U.S.C. 661 et seq.) throughout the duration of the loan; and

(3) information on the past and anticipated financial condition and operations during the fiscal year of the Railroad Rehabilitation and Improvement Fund established under section 502(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(a)) and of the Obligation Guarantee Fund established under section 511(b) of that Act (45 U.S.C. 831(b)).

(e)(1) The Secretary shall submit a report to Congress in January of each even-numbered year of estimates by the Secretary on the current performance and condition of public mass transportation systems with recommendations for necessary administrative or legislative changes.

(2) In reporting to Congress under this subsection, the Secretary shall prepare a complete assessment of public transportation facilities in the United States. The Secretary also shall assess future needs for those facilities and estimate future capital requirements and operation and maintenance requirements for one-year, 5-year, and 10-year periods at specified levels of service.

(As amended Pub. L. 98-216, § 2(1)(A), Feb. 14, 1984, 98 Stat. 4.)

HISTORICAL AND REVISION NOTES

1984 ACT

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
308(d)	49 App.:1654a.	Oct. 14, 1980, Pub. L. 96-448, § 409, 94 Stat. 1948; Dec. 21, 1982, Pub. L. 97-375, § 210(a), 96 Stat. 1825.
308(e)	49 App.:1601c.	Jan. 6, 1983, Pub. L. 97-424, § 310, 96 Stat. 2151.

This [deletion of the last sentence of subsection (a)] is necessary because section 111(b) of the Congressional Reports Elimination Act of 1982 (Pub. L. 97-375, 96 Stat. 1821) repealed section 602 of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 1022), which was restated as section 308(a)(last sentence) of title 49 by section 1 of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2413).

In subsection (e)(1), the words "January of each even-numbered year" are substituted for "January of 1984 and in January of every second year thereafter" to eliminate unnecessary words.

REFERENCES IN TEXT

The Emergency Rail Services Act of 1970, referred to in subsec. (d)(2), is Pub. L. 91-663, Jan. 8, 1971, 84 Stat. 1975, as amended, which is classified generally to chapter 15 (§ 661 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 45 and Tables.

AMENDMENTS

1984—Pub. L. 98-216, § 2(1)(A)(i), substituted "Reports" for "Annual reports" in section catchline.

Subsec. (a). Pub. L. 98-216, § 2(1)(A)(ii), struck out requirement that the report include a complete statement on the effectiveness of the United States Railway Association and the Consolidated Rail Corporation in carrying out the purposes of the Regional Rail Reorganization Act of 1973.

Subsecs. (d), (e). Pub. L. 98-216, § 2(1)(A)(iii), added subsecs. (d) and (e).

SUBCHAPTER II—ADMINISTRATIVE

§ 321. Definitions

In this subchapter, "aeronautics", "air commerce", and "air navigation facility" have the same meanings given those terms in section 101(2), (4), and (8) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(2), (4), (8)), respectively.

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

§ 325. Advisory committees

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct.

6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 329. Transportation information

[*See main edition for text of* (*a*)]

(b) The Secretary shall—

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C.[1] 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;

[*See main edition for text of* (*2*) *and* (*3*); (*c*)]

(d) To assist in carrying out duties and powers under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.), the Secretary of Transportation shall maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out that Act.

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 98-443, § 5(a), Oct. 4, 1984, 98 Stat. 1705.)

References in Text

The Federal Aviation Act of 1958, referred to in subsecs. (b)(1) and (d), is Pub. L. 85-726, Aug. 23, 1958, 72 Stat. 731, as amended, which is classified generally to chapter 20 (§ 1301 et seq.) of the Appendix to this title. Title VII and section 419 of the Act are classified to subchapter VII (§ 1441 et seq.) and section 1389, respectively, of chapter 20 of the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of the Appendix to this title and Tables.

Amendments

1984—Subsec. (b)(1). Pub. L. 98-443 struck out reference to information collected and disseminated by the Civil Aeronautics Board under section 1371 et seq. of this title, and added cls. (A) and (B).

Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

Subsec. (d). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

Effective Date of 1984 Amendment

Section 5(b) of Pub. L. 98-443 provided that: "The amendment made by this section [amending subsec. (b)(1) of this section] shall take effect on January 1, 1985."

§ 333. Responsibility for rail transportation unification and coordination projects

Section Referred to in Other Sections

This section is referred to in sections *306*, *10904*, 11344, 11346 of this title; section 1654 of Appendix to this title; title 45 sections 765, 903.

§ 334. Limit on aviation charges

The Secretary of Transportation may impose a charge for an approval, test, authorization, certificate, permit, registration, transfer, or rating related to aviation that has not been approved by Congress only when the charge (1) was in effect on January 1, 1973, and (2) is not more than the charge that was in effect on that date. However, this section does not apply to a charge for a test, authorization, certificate, permit, or rating related to an airman or repair station administered or issued outside of the United States, as defined in section 101(41) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(41)).

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

Amendments

1984—Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

CHAPTER 5—SPECIAL AUTHORITY

SUBCHAPTER I—DUTIES AND POWERS

§ 501. Definitions and application

[*See main edition for text of* (*a*)]

(b) This chapter only applies in carrying out—

(1) chapter 31 of this title; and

(2) other duties and powers transferred to the Secretary under section 6(e) of the Department of Transportation Act (49 App. U.S.C. 1655(e)) and vested in the Interstate Commerce Commission before October 15, 1966.

(As amended Pub. L. 98-216, § 2(2), Feb. 14, 1984, 98 Stat. 5.)

Amendments

1984—Subsec. (b)(2). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

§ 507. Enforcement

[*See main edition for text of* (*a*) *and* (*b*)]

(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

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[1] See 49 App. U.S.C.

(d) A person injured because a rail carrier or freight forwarder does not obey an order of the Secretary under this chapter may bring a civil action to enforce that order under this subsection.

(e) In a civil action brought *under subsection* (a)(2) of this section against a motor carrier, motor carrier of migrant workers, or motor private carrier—

(1) trial is in the judicial district in which the carrier operates;

(2) process may be served without regard to the territorial limits of the district or of the State in which the action is brought; and

(3) a person participating with the carrier in a violation may be joined in the civil action without regard to the residence of the person.

(As amended Pub. L. 98-554, title II, § 213(a), Oct. 30, 1984, 98 Stat. 2841.)

REFERENCES IN TEXT

The Motor Carrier Safety Act of 1984, referred to in subsec. (c), is title II of Pub. L. 98-554, Oct. 30, 1984, 98 Stat. 2832, which is classified generally to chapter 34 (§ 2501 et seq.) of the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of the Appendix to this title and Tables.

AMENDMENTS

1984—Subsecs. (c) to (e). Pub. L. 98-554 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

SUBCHAPTER II—PENALTIES

§ 521. Civil penalties

[*See main edition for text of* (a)]

(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of a recordkeeping requirement issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense; except that the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense. Notwithstanding any other provision of this section, except for recordkeeping violations, no civil penalty shall be assessed under this section against an employee for a violation unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984, as the case may be.

(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984 or a regulation issued under such section or Act, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

(B) In this paragraph, "imminent hazard" means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

(6) Any person who knowingly and willfully violates any provision of section 3102 of this title, the Motor Carrier Safety Act of 1984, or a regulation issued under such section or Act shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(12) The provisions of this subsection shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation promulgated by the Secretary under such Act.

(13) As used in this subsection, the terms "commercial motor vehicle", "employee", "employer", and "State" have the meaning such terms have under section 4 [1] of the Motor Carrier Safety Act of 1984.

(As amended Pub. L. 98-554, title II, § 213(b), Oct. 30, 1984, 98 Stat. 2842.)

REFERENCES IN TEXT

The Motor Carrier Safety Act of 1984, referred to in subsec. (b), is title II of Pub. L. 98-554, Oct. 30, 1984, 98 Stat. 2832, which is classified generally to chapter 34 (§ 2501 et seq.) of the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of the Appendix to this title and Tables.

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(11), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

The Hazardous Materials Transportation Act, referred to in subsec. (b)(12), is title I of Pub. L. 93-633, Jan. 3, 1975, 88 Stat. 2156, as amended, which is classified principally to chapter 27 (§ 1801 et seq.) of the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of the Appendix to this title and Tables.

Section 4 [204] of the Motor Carrier Safety Act of 1984, referred to in subsec. (b)(13), is classified to section 2503 of the Appendix to this title.

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98-554 substituted provisions relating to notice to violators and opportunity for hearings for former provisions which set forth penalties for failure to make reports and keep records.

Subsec. (b)(2). Pub. L. 98-554 substituted provisions setting forth amount of civil penalties for former provisions which related to the place of trial and manner of service of process for violations of recordkeeping and reporting provisions.

Subsec. (b)(3) to (13). Pub. L. 98-554 added pars. (3) to (13).

REPORT; PENALTIES; EFFECTIVENESS

Section 213(d) of Pub. L. 98-554 provided that: "The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established by the amendments made by this section in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act [Oct. 30, 1984] in comparison to the penalties established by the amendments made by by [sic] this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further, and prosecute effectively, violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act [Oct. 30, 1984]."

§ 526. General criminal penalty when specific penalty not provided

When another criminal penalty is not provided under this chapter, section 3102 of this title, or the Motor Carrier Safety Act of 1984, a person that knowingly and willfully violates a provision of this chapter or such section or Act, or a regulation or order of the Secretary of Transportation under this chapter or such section or Act, related to transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, shall be fined at least $100 but not more than $500 for the first violation and at least $200 but not more than $500 for a subsequent violation. A separate violation occurs each day the violation continues.

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[1] So in original. Probably should be "section 204".

(As amended Pub. L. 98-554, title II, § 213(c), Oct. 30, 1984, 98 Stat. 2844.)

References in Text

The Motor Carrier Safety Act of 1984, referred to in text, is title II of Pub. L. 98-554, Oct. 30, 1984, 98 Stat. 2832, which is classified generally to chapter 34 (§ 2501 et seq.) of the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of the Appendix to this title and Tables.

Amendments

1984—Pub. L. 98-554 added ", section 3102 of this title, or the Motor Carrier Safety Act of 1984" after "chapter" the first place it appears and added "or such section or Act" after "chapter" the second and third places it appears.

SUBTITLE II—TRANSPORTATION PROGRAMS

PART C—MOTOR VEHICLES

CHAPTER 31—MOTOR CARRIER SAFETY

§ 3102. Requirements for qualifications, hours of service, safety, and equipment standards

[*See main edition for text of* (a) *to* (c)]

(d) Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of such requirement.

(As amended Pub. L. 98-554, title II, § 206(h), Oct. 30, 1984, 98 Stat. 2835.)

Amendments

1984—Subsec. (d). Pub. L. 98-554 added subsec. (d).

Section Referred to in Other Sections

This section is referred to in sections 501, 507, 521, 526, 3104 of this title; title 29 sections 213, 1841.

SUBTITLE IV—INTERSTATE COMMERCE

Subtitle Referred to in Other Sections

This subtitle is referred to in section 521 of this title; sections 1382, 1483, 1655 of Appendix to this title; title 7 section 225; title 11 sections 1166, 1169; title 15 sections 19, 21, 26, 44, 1681s, 1691c; title 16 section 813; title 18 section 2341; title 28 sections 2321, 2323; title 29 section 1841; title 33 section 1507; title 42 sections 4916, 4917, 7155; title 45 sections 22, 65, 151, 157, 546a, 561, 587, 741, 744, 768, 769c, 791, 793, 854, 884, 912, 1007, 1103, 1104, 1110, 1112; title 46 App. section 884; title 47 section 601; title 48 section 751.

CHAPTER 103—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER I—ORGANIZATION

§ 10301. General

[*See main edition for text of* (a)]

(b) The Commission is composed of 5 members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members as Chairman. Not more than 3 members may be appointed from the same political party.

(c) The term of each member of the Commission is 5 years and begins when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, is appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

[*See main edition for text of* (d) *to* (h)]

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1341; Pub. L. 97-253, title V, § 502(b), (e), (h)(1), Sept. 8, 1982, 96 Stat. 806.)

Amendments

1982—Subsec. (b). Pub. L. 97-253, § 502(e), substituted "5" and "3" for "7" and "4", respectively.

Pub. L. 97-253, § 502(b), substituted "7" and "4" for "11" and "6", respectively.

Subsec. (c). Pub. L. 97-253, § 502(h)(1), substituted "5" for "7".

Effective Date of 1982 Amendment

Section 502(b) of Pub. L. 97-253 provided in part that the amendment by section 502(b) of Pub. L. 97-253 is effective Jan. 1, 1983.

Section 502(e) of Pub. L. 97-253 provided in part that the amendment by section 502(e) of Pub. L. 97-253 is effective Jan. 1, 1986.

Section 502(h)(2) of Pub. L. 98-253 provided that: "The amendment made by paragraph (1) of this subsection [amending subsec. (c) of this section] shall take effect on January 1, 1984, and shall apply to any person appointed, after such date, to fill any office, as a member of the Interstate Commerce Commission, the term for which is prescribed by law to expire after such date, except that such amendment shall not apply to the person designated by the President to fill the term of office which is to end under subsection (g) of this section [set out as a note below] on December 31, 1991."

SUBCHAPTER II—ADMINISTRATIVE

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 10341, 10343, 10530, 10705, 10724, 10925, 10928, 10929, 11123, 11124, 11125, 11127, 11349 of this title.

§ 10322. Commission action and appellate procedure in non-rail proceedings

(a) This section applies to a matter before the Interstate Commerce Commission over which the Commission has jurisdiction under chapter 105 of this title, other than a matter involving a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of such chapter, or section 10934 or 11501(e). The deadlines set forth in this section do not apply to the following sections of this subtitle: 10525(c), 10530, 10706(b), 10706(f), 10922(l)(2), 10922(l)(4), 10928, 10934(c), 10935, 11345a, and 11701(c). In addition, the deadlines set forth in this section do not apply to any application filed under section 10922(c)(2)(A) of this subtitle [1] for authority to provide regular-route transportation entirely in one State as a motor common carrier of passengers.

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[1] So in original. Probably should be "title".

[*See main edition for text of* (b) *to* (i)]

(As amended Pub. L. 98-554, title II, § 226(c)(1), Oct. 30, 1984, 98 Stat. 2851.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-554 added "10530," after "10525(c),".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

SUBCHAPTER III—JOINT BOARDS

§ 10344. Administration

USE OF GOVERNMENT TRANSPORTATION REQUESTS BY MEMBERS OF JOINT BOARDS

Provisions authorizing joint board members to use government transportation requests when traveling in connection with their duties as such were contained in the following acts:

Dec. 19, 1985, Pub. L. 99-190, § 101(e) [title II, § 201], 99 Stat. 1267, 1283.

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(i) [title II, § 201], 98 Stat. 1944, 1959.

Aug. 15, 1983, Pub. L. 98-78, title II, § 201, 97 Stat. 468.

SUBCHAPTER IV—RAIL SERVICES PLANNING OFFICE

§ 10362. Duties

(a) In this section—

(1) "avoidable costs of providing transportation", "reasonable management fee", "reasonable return on the value", and "revenue attributable to the rail properties" have the same meanings as they have when used in section 304 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744).

[*See main edition for text of* (2)]

(b) The Rail Services Planning Office shall—

[*See main edition for text of* (1) *to* (4)]

(5) maintain regulations that contain—

(A) standards for the computation of subsidies for rail passenger service (except passenger transportation compensation disputes subject to the jurisdiction of the Commission under section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a))) that are consistent with the compensation principles described in the final system plan established under the Regional Rail Reorganization Act of 1973 (87 Stat. 985), as amended, and which avoid cross-subsidization among commuter, intercity, and freight rail transportation; and

(B) standards for determining emergency commuter rail passenger transportation operating payments under section 17 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1613);

[*See main edition for text of* (6) *to* (8); (c) *and* (d)]

(As amended Pub. L. 98-216, § 2(5)-(7), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-216, § 2(5), substituted "section 304 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744)" for "section 744 of title 45".

Subsec. (b)(5)(A). Pub. L. 98-216, § 2(6), substituted "section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a))" for "section 562(a) of title 45".

Subsec. (b)(5)(B). Pub. L. 98-216, § 2(7), substituted "section 17 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1613)" for "section 1613 of this title".

CHAPTER 105—JURISDICTION

SUBCHAPTER II—MOTOR CARRIER TRANSPORTATION

Sec.
10530. Certificates of registration for certain foreign carriers.

AMENDMENTS

1984—Pub. L. 98-554, title II, § 226(a)(2), Oct. 30, 1984, 98 Stat. 2850, added item 10530.

SUBCHAPTER II—MOTOR CARRIER TRANSPORTATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3103, 10102, 10328, 10329, 10330, 10341, 10342, 10502, 10543, 10544, 10701, 10703, 10704, 10705, 10706, 10721, 10722, 10723, 10724, 10725, 10730, 10733, 10735, 10741, 10762, 10766, 10921, 10922, 10923, 10924, 10927, 10930, 10931, 10932, 10933, 10934, 10935, 11101, 11106, 11107, 11109, 11110, 11111, 11142, 11143, 11323, 11342, 11343, 11344, 11345a, 11501, 11502, 11503a, 11504, 11702, 11705, 11707, 11711, 11901, 11904, 11905, 11908, 11909, 11910, 11914, 11917 of this title; section 1608 of Appendix to this title; title 15 sections 1392, 1401, 1990d.

§ 10521. General jurisdiction

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3101, 3102, 10101, 10522, 10530, 11506 of this title.

§ 10526. Miscellaneous motor carrier transportation exemptions

(a) The Interstate Commerce Commission does not have jurisdiction under this subchapter over—

[*See main edition for text of* (1) *to* (4)]

(5) a motor vehicle controlled and operated by a cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a))) or by a federation of cooperative associations if the federation has no greater power or purposes than a cooperative association, except that if the cooperative association or federation provides transportation for compensation between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State—

[*See main edition for text of* (A) *and* (B), (6) *to* (13)]

(14) brokers for motor carriers of passengers, except as provided in section 10924(f) of this title.[3]

(15) transportation of broken, crushed, or powdered glass.

[*See main edition for text of* (*b*)]

(As amended Pub. L. 98-216, § 2(8), Feb. 14, 1984, 98 Stat. 5; Pub. L. 98-554, title II, § 227(c), Oct. 30, 1984, 98 Stat. 2852.)

AMENDMENTS

1984—Subsec. (a)(5). Pub. L. 98-216, which directed the substitution of "section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a))" for "section 1141j(a) of title 12", was incapable of execution because an identical amendment had already been made by section 5(g)(1) of Pub. L. 97-449. See 1983 Amendment note below.

Subsec. (a)(14), (15). Pub. L. 98-554 redesignated par. (14), as added by Pub. L. 97-377, relating to transportation of glass, as (15).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10527, 10528, 10529, 10530, 10561, 10749, 10922, 10923, 11101 of this title; title 16 section 2302.

§ 10530. Certificates of registration for certain foreign carriers

(a) In this section—

(1) "registrable year" means the six-month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter.

(2) "foreign motor carrier" means a motor carrier of property—

(A) which does not hold a certificate issued under section 10922 of this title or a permit issued under section 10923 of this title; and

(B)(i) which is domiciled in any contiguous foreign country; or

(ii) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

(3) "foreign motor private carrier" means a motor private carrier—

(A) which is domiciled in any contiguous foreign country; or

(B) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

(4) "exempt items" means items described in paragraphs (4), (6), (11), (12), (13), and (15) of section 10526(a) of this subchapter and items transported under paragraph (5) of such section.

(5) "interstate transportation" means transportation described in section 10521(a) of this subchapter and transportation in the United States exempt from the jurisdiction of the Commission under section 10526(b)(1) of this subchapter.

(b)(1) Except as provided in this section, no foreign motor carrier may provide interstate transportation of exempt items in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

(2) Except as provided in this section, no foreign motor private carrier may provide interstate transportation of property (including exempt items) in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section' authorizing the carrier to provide such transportation in such year.

(c) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission shall issue a certificate of registration to any foreign motor carrier authorizing the carrier to provide interstate transportation of exempt items in any registrable year, and to any foreign motor private carrier authorizing the carrier to provide interstate transportation of property (including exempt items) in any registrable year, if—

(1) the Commission finds that the carrier is fit, willing, and able—

(A) to provide the transportation to be authorized by the certificate; and

(B) to comply with this subtitle and regulations of the Commission; and

(2) the carrier demonstrates to the satisfaction of the Commission that the carrier has paid (or will pay in a timely manner) all taxes imposed by section 4481 of the Internal Revenue Code of 1954 on any motor vehicle which such carrier operated in the United States in the most recent taxable period (as such term is defined under section 4482(c) of such Code) ending before the first day of such registrable year.

(d) A foreign motor carrier and a foreign motor private carrier must file an application with the Commission for a certificate of registration under this section to provide interstate transportation. The Commission may approve any part of the application or deny the application. The application must—

(1) be under oath;

(2) contain such information as the Commission may require by regulation; and

(3) be filed with the Commission at such times as the Commission may require by regulation.

(e) The requirement that foreign motor carriers and foreign motor private carriers issued certificates of registration under this section be fit, willing, and able means—

(1) safety fitness; and

(2) proof of minimum financial responsibility—

(A) under section 30 of the Motor Carrier Act of 1980, in the case of a foreign motor carrier or foreign motor private carrier which provides transportation in the United States of an item referred to in subsection (b)(1) of such section; and

(B) under the laws of the State or States in which the carrier is operating, in the case of a foreign motor private carrier which provides interstate transportation in the United States of property (other than an item referred to in such subsection).

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[3] So in original. The period probably should be "; or".

(f) Each certificate of registration issued under this section shall specify the transportation to be provided under the certificate.

(g)(1) Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section shall have a copy of such certificate in such motor vehicle at any time such vehicle is being used to provide such transportation.

(2) The Commission, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration required to be in such vehicle by paragraph (1) of this subsection.

(h) When a certificate of registration is issued under this section, the Commission may prescribe such conditions on the transportation to be provided under the certificate as may be necessary to carry out the objectives of this section.

(i)(1) Subject to paragraph (3) of this subsection, this section shall not apply with respect to any contiguous foreign country with respect to which a moratorium is not in effect under section 10922(*l*) of this title on the effective date of this section.

(2) The President of the United States may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies, in writing, the Congress of such waiver before the date on which such waiver is to take effect. In any case in which the requirements of this section apply with respect to a contiguous foreign country which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country, such waiver shall not take effect before the 60th day following the date on which the Congress is notifed of such waiver.

(3) The President of the United States may, by order, make the requirements of this section applicable with respect to any contiguous foreign country if—

(A) the President determines that making such requirements so applicable is in the national interest; and

(B) the President—

(i) notifies, in writing, the Congress of the issuance of such order; and

(ii) has published a copy of such order in the Federal Register;

at least 30 days before such order takes effect.

(Added Pub. L. 98-554, title II, § 226(a)(1), Oct. 30, 1984, 98 Stat. 2848.)

REFERENCES IN TEXT

Sections 4481 and 4482(c) of the Internal Revenue Code, referred to in subsec. (c)(2), are classified to sections 4481 and 4482(c) of Title 26, Internal Revenue Code.

Section 30 of the Motor Carrier Act of 1980, referred to in subsec. (e)(2)(A), is set out as a note under section 10927 of this title.

The effective date of this section, referred to in subsec. (i)(1), is the effective date of Pub. L. 98-554, title II, § 226(a)(1), which was approved on Oct. 30, 1984.

EFFECTIVE DATE

Section 226(d) of Pub. L. 98-554 provided that: "The amendments made by this section [enacting this section and amending sections 10322, 10922, 10927, 11701, 11702, 11901, and 11914 of this title] shall take effect May 1, 1985, except that the Interstate Commerce Commission may issue before such date such regulations as may be necessary to carry out the amendments made by this section beginning on such date."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10922, 10927, 11701, 11702, 11901, 11914 of this title.

SUBCHAPTER III—WATER CARRIER TRANSPORTATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 10102, 10329, 10502, 10523, 10701, 10703, 10704, 10705, 10721, 10722, 10723, 10724, 10725, 10726, 10741, 10742, 10762, 10921, 10922, 10923, 10930, 10933, 11101, 11108, 11141, 11142, 11143, 11323, 11342, 11343, 11502, 11504, 11702, 11705, 11706, 11904, 11905, 11908, 11909, 11910, 11914 of this title; title 26 section 7701; title 46 App. sections 804, 883-1.

§ 10542. Exempt bulk transportation

(a) [*See main edition for text of* (*1*)]

(2) This subsection does not apply to transportation subject to the Intercoastal Shipping Act, 1933 (46 U.S.C. [1] 843 et seq.) on September 18, 1940.

[*See main edition for text of* (*b*)]

(c) The Commission does not have jurisdiction under this subchapter over transportation by water carrier of liquid cargoes in bulk in a tank vessel—

(1) designed exclusively for transporting such a cargo; and

(2) having a certificate of inspection issued under part B of subtitle II of title 46 endorsed to show that the vessel complies with chapter 37 of title 46.

(As amended Pub. L. 98-89, § 3(b), Aug. 26, 1983, 97 Stat. 599; Pub. L. 98-216, § 2(9), (10), Feb. 14, 1984, 98 Stat. 5.)

REFERENCES IN TEXT

The Intercoastal Shipping Act, 1933, referred to in subsec. (a)(2), is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 848 of Title 46 Appendix and Tables.

AMENDMENTS

1984—Subsec. (a)(2). Pub. L. 98-216, § 2(9), substituted "the Intercoastal Shipping Act, 1933 (46 U.S.C. 843 et seq.)" for "chapter 23A of title 46".

Subsec. (c)(2). Pub. L. 98-216, § 2(10), which directed the substitution of "section 4417a of the Revised Statutes (46 U.S.C. 391a)" for "section 391a of title 46", was incapable of execution because of the prior amendment of subsec. (c)(2) by section 3(b)(2) of Pub. L. 98-89. See 1983 Amendment note below.

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[1] See 46 App. U.S.C.

1983—Subsec. (c). Pub. L. 98-89, § 3(b)(1), substituted "a tank vessel" for "tank vessels" in the provisions preceding par. (1).

Subsec. (c)(2). Pub. L. 98-89, § 3(b)(2), substituted "having a certificate of inspection issued under part B of subtitle II of title 46 endorsed to show that the vessel complies with chapter 37 of title 46" for "certified under regulations of the Secretary of Transportation under section 391a of title 46".

§ 10544. Miscellaneous water carrier transportation exemptions

[See main edition for text of (a) to (c)]

(d)(1) The Commission does not have jurisdiction under this subtitle over transportation by a water common carrier provided between the 48 contiguous States or the District of Columbia, and Alaska if, before January 3, 1959—

[See main edition for text of (A)]

(B) the transportation was subject to the Shipping Act, 1916 (46 U.S.C.[1] 801 et seq.) or the Intercoastal Shipping Act, 1933 (46 U.S.C.[1] 843 et seq.).

[See main edition for text of (2); (e) and (f)]

(As amended Pub. L. 98-216, § 2(11), Feb. 14, 1984, 98 Stat. 5.)

HISTORICAL AND REVISION NOTES

1984 ACT

This is necessary to conform an amendment made by section 5(g)(2) and (5) of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2443).

REFERENCES IN TEXT

The Shipping Act, 1916, referred to in subsec. (d)(1)(B), is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 842 of Title 46, Appendix, and Tables.

The Intercoastal Shipping Act, 1933, referred to in subsec. (d)(1)(B), is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of Title 46, Appendix. For complete classification of this Act to the Code, see section 848 of Title 46, Appendix, and Tables.

AMENDMENTS

1984—Subsec. (d)(1)(B). Pub. L. 98-216 substituted "(46 U.S.C. 843 et seq.)" for "(46 U.S.C. 843-848)".

CHAPTER 107—RATES, TARIFFS, AND VALUATIONS

SUBCHAPTER II—SPECIAL CIRCUMSTANCES

Sec.
10734. Car utilization.
10735. Household goods rates—estimates; guarantees of service.

AMENDMENTS

1984—Pub. L. 98-554, title II, § 227(b)(2), Oct. 30, 1984, 98 Stat. 2852, substituted "10735. Household" for "10734. Household".

SUBCHAPTER I—GENERAL AUTHORITY

§ 10703. Authority for carriers to establish through routes

(a) A carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of this title shall establish through routes as follows:

[See main edition for text of (1) to (3)]

(4) *[See main edition for text of (A) to (C)]*

(D) A through route or joint rate or classification authorized to be established with a carrier referred to in this subparagraph may be established with a water common carrier providing transportation subject to—

[See main edition for text of (i)]

(ii) section 1 of the Shipping Act, 1916 (46 U.S.C.[1] 801) or the Intercoastal Shipping Act, 1933 (46 U.S.C.[1] 843 et seq.) (including persons holding themselves out to transport goods by water but not owning or operating vessels) and providing transportation of property between Alaska or Hawaii and the other 48 States.

A through route and a rate, classification, rule, or practice related to a through route with a water common carrier referred to in this subparagraph is subject to the provisions of this subtitle governing the type of carrier establishing the rate, classification, rule, or practice.

[See main edition for text of (E); (b)]

(As amended Pub. L. 98-216, § 2(11), Feb. 14, 1984, 98 Stat. 5.)

HISTORICAL AND REVISION NOTES

1984 ACT

This is necessary to conform an amendment made by section 5(g)(2) and (5) of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2443).

REFERENCES IN TEXT

The Shipping Act, 1916, referred to in subsec. (a)(4)(E), is act Sept. 7, 1916, ch. 451, 39 Stat. 728, as amended, which is classified principally to chapter 23 (§ 801 et seq.) of Title 46, Appendix, Shipping. Section 1 of the Shipping Act, 1916, is classified to section 801 of Title 46, Appendix. For complete classification of this Act to the Code, see section 842 of Title 46, Appendix, and Tables.

The Intercoastal Shipping Act, 1933, referred to in subsec. (a)(4)(D)(ii), (E), is act Mar. 3, 1933, ch. 199, 47 Stat. 1425, as amended, which is classified generally to chapter 23A (§ 843 et seq.) of Title 46, Appendix. For complete classification of this Act to the Code, see section 848 of Title 46, Appendix, and Tables.

AMENDMENTS

1984—Subsec. (a)(4)(D)(ii). Pub. L. 98-216 substituted "(46 U.S.C. 843 et seq.)" for "(46 U.S.C. 843-848)".

§ 10705. Authority: through routes, joint classifications, rates, and divisions prescribed by Interstate Commerce Commission

[See main edition for text of (a) to (e)]

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[1] See 46 App. U.S.C.

(f)(1) The Commission may begin a proceeding under subsection (a) or (b) of this section on its own initiative or on complaint. The Commission must complete all evidentiary proceedings to adjust the division of joint rates for transportation by a rail carrier within 9 months after the complaint is filed if the proceeding is brought on complaint or within 18 months after the commencement of a proceeding on the initiative of the Commission. The Commission must take final action by the 180th day after completion of the evidentiary proceedings, except that—

(A) when the proceeding involves a railroad in reorganization or a contention that the divisions at issue do not cover the variable costs of handling the traffic, the Commission shall give the proceedings preference over all other proceedings and shall take final action at the earliest practicable time, which in no event may exceed 100 days after the completion of the evidentiary proceedings; and

(B) in all cases other than those specified in subparagraph (A) of this paragraph, the Commission may decide to extend such a proceeding to permit its fair and expeditious completion, but whenever the Commission decides to extend a proceeding pursuant to this clause, it must report its reasons to Congress.

[*See main edition for text of* (2) *and* (3); (*g*) *and* (*h*)]

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1375; Pub. L. 96-296, § 22(b)-(g), July 1, 1980, 94 Stat. 813; Pub. L. 96-448, title II, § 218, Oct. 14, 1980, 94 Stat. 1925; Pub. L. 97-449, § 5(g)(4), Jan. 12, 1983, 96 Stat. 2443.)

AMENDMENTS

1980—Subsec. (f)(1). Pub. L. 96-448, § 218(b), struck out subpar. (B) which provided that provisions of this paragraph imposing time limitations upon Commission action not apply to any division proceeding involving a joint rate participated in by a class III rail carrier, redesignated former subpar. (A) as par. (1), and in par. (1) as so redesignated, redesignated former cls. (i) and (ii) as subpars. (A) and (B), respectively, and in subpar. (B) as so redesignated, substituted "subparagraph (A) of this paragraph" for "clause (i) of this subparagraph".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 218(b) of Pub. L. 96-448 effective Oct. 1, 1983, see section 710(c) of Pub. L. 96-448, set out as a note under section 10101 of this title.

§ 10706. Rate agreements: exemption from antitrust laws

[*See main edition for text of* (*a*) *and* (*b*)]

(c) A common carrier providing transportation or service subject to the jurisdiction of the Commission under chapter 105 of this title (except a rail carrier or a motor common carrier) that is a party to an agreement of at least 2 carriers related to rates (including charges between carriers and compensation paid or received for the use of facilities and equipment), allowances, classifications, divisions, or rules related to them, or procedures for joint consideration, initiation, or establishment of them, may apply to the Commission for approval of that agreement under this subsection. The Commission shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy of section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of approval. If the Commission approves the agreement, it may be made and carried out under its terms and under the conditions required by the Commission, and the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to parties and other persons with respect to making or carrying out the agreement.

[*See main edition for text of* (*d*) *to* (*i*)]

(As amended Pub. L. 98-216, § 2(12), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-216 substituted "the first section of the Clayton Act (15 U.S.C. 12)" for "section 12 of title 15".

SUBCHAPTER II—SPECIAL CIRCUMSTANCES

§ 10734. Car utilization

In order to encourage more efficient use of freight cars, notwithstanding any other provision of this subtitle, rail carriers shall be permitted to establish tariffs containing premium charges for special services or special levels of services not provided in any tariff otherwise applicable to the movement. The Commission shall facilitate development of such tariffs so as to increase the utilization of equipment.

(Added Pub. L. 96-448, title II, § 225(a), Oct. 14, 1980, 94 Stat. 1930.)

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 710(a) of Pub. L. 96-448, set out as an Effective Date of 1980 Amendment note under section 10101 of this title.

§ 10735. Household goods rates—estimates; guarantees of service

(a)(1) Subject to the provisions of paragraph (2) of this subsection, a motor common carrier providing transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title may, subject to the provisions of this chapter (including the general tariff requirements of section 10762 of this title), establish a rate for the transportation of household goods which is based on the carrier's written, binding estimate of charges for providing such transportation.

(2) Any rate established under this subsection must be available on a nonpreferential basis to shippers and must not result in charges to shippers which are predatory.

(b)(1) Subject to the provisions of paragraph (2) of this subsection, a motor common carrier providing transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title may, subject to the provisions of this chapter (including the general tariff requirements of section 10762 of this title), establish rates for the transportation of household goods which guarantee that the carrier will pick up and deliver such household goods at the times specified in the contract for such services and provide a penalty or per diem payment in the event the carrier fails to pick up or deliver such household goods at the specified time. The charges, if any, for such guarantee and penalty provision may vary to reflect one or more options available to meet a particular shipper's needs but must be contained in the tariff the carrier publishes for such service under this title.[2]

(2) Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Commission may require such carrier to have in effect and keep in effect, during any period such rate is in effect under such paragraph, a rate for such service which does not guarantee the pick up and delivery of household goods at the times specified in the contract for such services and which does not provide a penalty or per diem payment in the event the carrier fails to pick up or deliver household goods at the specified time.

(Added Pub. L. 96-454, § 4(a), Oct. 15, 1980, 94 Stat. 2012, § 10734, and renumbered § 10735, Pub. L. 98-554, title II, § 227(b)(1), Oct. 30, 1984, 98 Stat. 2852.)

SUBCHAPTER III—LIMITATIONS

§ 10749. Exchange of services and limitation on use of common carriers by freight forwarders

[See main edition for text of (a)]

(b) A freight forwarder providing service subject to the jurisdiction of the Commission under subchapter IV of chapter 105 of this title may use a carrier, including a carrier referred to in this subsection, to transfer, collect, or deliver in a terminal area. However, to provide other services, a freight forwarder may only use—

(1) a rail, express, motor, or water common carrier, or motor contract carrier of property, providing transportation subject to the jurisdiction of the Commission under chapter 105 of this title including—

(A) a motor common carrier providing exempt transportation under section 10525 or 10526(a)(8) of this title; or

(B) a water common carrier providing exempt transportation under section 10542(a) of this title or transportation between places in Alaska or Hawaii and between those places and other places in the United States; or

(2) an air carrier subject to the jurisdiction of the Civil Aeronautics Board under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.).

(As amended Pub. L. 97-468, title VI, § 615(b)(3), Jan. 14, 1983, 96 Stat. 2578; Pub. L. 98-216, § 2(13), Feb. 14, 1984, 98 Stat. 5.)

REFERENCES IN TEXT

The Federal Aviation Act of 1958, referred to in subsec. (b)(2), is Pub. L. 85-726, Aug. 23, 1958, 72 Stat. 731, as amended, which is classified principally to chapter 20 (§ 1301 et seq.) of Title 49, Appendix, Transportation. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 49, Appendix, and Tables.

AMENDMENTS

1984—Subsec. (b)(2). Pub. L. 98-216 substituted "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)" for "chapter 20 of this title".

1983—Subsec. (b). Pub. L. 97-468 inserted "or" at end of par. (1)(B), substituted a period for " ; or" at end of par. (2), and struck out par. (3) relating to the Alaska Railroad.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(b) of Pub. L. 97-468.

SUBCHAPTER IV—TARIFFS AND TRAFFIC

§ 10762. General tariff requirements

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10705a, 10708, 10730, 10735, 10764, 10765, 10925, 11901 of this title; title 43 section 942-1.

CHAPTER 109—LICENSING

SUBCHAPTER I—RAILROADS AND FERRIES

§ 10903. Authorizing abandonment and discontinuance of railroad lines and rail transportation

[See main edition for text of (a)]

(b) *[See main edition for text of (1)]*

(2) On approval, the Commission shall issue to the rail carrier a certificate describing the abandonment or discontinuance approved by the Commission. Each certificate shall also contain provisions to protect the interests of employees. The provisions shall be at least as beneficial to those interests as the provisions established under section 11347 of this title and section 405(b) of the Rail Passenger Service Act (45 U.S.C. 565(b)).

(As amended Pub. L. 98-216, § 2(14), Feb. 14, 1984, 98 Stat. 5.)

AMENDMENTS

1984—Subsec. (b)(2). Pub. L. 98-216 substituted "section 405(b) of the Rail Passenger Service Act (45 U.S.C. 565(b))" for "section 565(b) of title 45".

§ 10904. Filing and procedure for applications to abandon or discontinue

[See main edition for text of (a) to (c)]

(d) *[See main edition for text of (1)]*

(2) For applications approved by the Secretary of Transportation as part of a plan or proposal under section 333(a)-(d) of this title, the Commission shall consider whether any detriment from the abandonment or discontinuance

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[2] So in original. Probably should be "subtitle".

exceeds the transportation benefit from the plan or proposal as a whole.

(e) [*See main edition for text of (1) and (2)*]

(3) If an application for a certificate is opposed by—

[*See main edition for text of (A) and (B)*]

the Commission may issue a certificate under section 10903 of this title only if the railroad line has been described and identified in the diagram or amendment to the diagram of the rail carrier that was submitted to the Commission at least 4 months before the date on which the application was filed, except that the requirement of such description or identification in such diagram may be waived by the Commission if the application was approved by the Secretary of Transportation as part of a plan or proposal under section 333(a)-(d) of this title, or the application is filed by a railroad in bankruptcy.

(As amended Pub. L. 98-216, § 2(4), Feb. 14, 1984, 98 Stat. 5.)

HISTORICAL AND REVISION NOTES

1984 ACT

This amends cross-references in sections 10904(d)(2) and (e)(3) and 11344(d) of title 49 affected by the codification of subtitle I of title 49 by section 1 of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2413).

AMENDMENTS

1984—Subsecs. (d)(2), (e)(3). Pub. L. 98-216 substituted "section 333(a)-(d) of this title" for "section 5(a)-(d) of the Department of Transportation Act (49 U.S.C. 1654(a)-(d))".

SUBCHAPTER II—OTHER CARRIERS AND MOTOR CARRIER BROKERS

§ 10922. Certificates of motor and water common carriers

[*See main edition for text of (a) to (k)*]

(*l*)(1) Except as provided in paragraph (2) of this subsection, the Commission, notwithstanding any other provision of law (other than such paragraph (2)), shall not issue any certificate to any motor common carrier, any permit to any motor contract carrier, or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier, domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country in the four-year period beginning on the effective date of this subsection. The President of the United States may extend, beyond such four-year period, such moratorium or impose such a moratorium with respect to any contiguous foreign country or political subdivision thereof which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country or political subdivision.

(2)(A) The President of the United States may remove or modify, in whole or in part, any moratorium imposed under paragraph (1) of this subsection on the issuance of certificates or permits if the President determines that such removal or modification is in the national interest and notifies, in writing, the Congress of such removal or modification before the date on which such removal or modification is to take effect. In any case in which such moratorium applies to a contiguous foreign country or political subdivision thereof which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country or political subdivision, such removal or modification shall not take effect before the 60th day following the date on which the Congress is notified of such removal or modification.

(B)(i) Subject to the provisions of this subparagraph, during a moratorium imposed under paragraph (1) of this subsection with respect to any contiguous foreign country or political subdivision thereof, the Commission may issue certificates of registration under section 10530 of this subtitle to motor carriers of property and motor private carriers domiciled in such country or political subdivision and to motor carriers of property and motor private carriers owned or controlled by persons of such country or political subdivision.

(ii) Subject to clause (iv) of this subparagraph, if the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision or is a motor carrier of property owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of exempt items in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

(iii) Subject to clause (v) of this subsection, if the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision or is a motor private carrier owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of property (including exempt items) in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

(iv) If the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of exempt items.

(v) If the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of property (including exempt items).

(vi) In this subparagraph, the terms "exempt items" and "interstate transportation" have the meanings such terms have under section 10530(a) of this title.

(As amended Pub. L. 98-554, title II, §§ 225(a), (b), 226(b), Oct. 30, 1984, 98 Stat. 2847, 2848, 2850.)

Amendments

1984—Subsec. (*l*)(1). Pub. L. 98-554, § 225(a), (b), substituted "four-year" for "two-year" wherever appearing and added "or impose such a moratorium" after "such moratorium" in second sentence.

Pub. L. 98-554, § 226(b)(1), substituted "any permit" for "or any permit" before "to any motor contract carrier," and added "or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier," after "contract carrier,".

Subsec. (*l*)(2). Pub. L. 98-554, § 226(b)(2), designated existing provisions as subpar. (A) and added subpar. (B).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

Section 225(c) of Pub. L. 98-554 provided that: "The amendments made by this section [amending subsec. (*l*)(1) of this section] shall take effect on September 19, 1984."

Extension of Moratorium

Memorandum for the United States Trade Representative, dated Aug. 30, 1984, 49 F.R. 35001, provided:

Pursuant to Section 6 of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10922(*l*)(1) and (2)), I hereby extend for an additional two years the moratorium imposed by that Section and all actions taken by me under that Section on the issuance of certificates or permits to motor carriers domiciled in, or owned or controlled by persons of, a contiguous foreign country. This action preserves the *status quo* and will maintain the moratorium through September 19, 1986, unless earlier revoked or modified. This memorandum shall be published in the Federal Register.

Ronald Reagan.

Section Referred to in Other Sections

This section is referred to in sections 10321, 10322, 10328, 10521, 10528, 10530, 10762, 10925, 10926, 10927, 10931, 10935, 11145, 11304, 11506, 11708 of this title; section 2512 of Appendix to this title.

§ 10923. Permits of motor and water contract carriers and freight forwarders

Section Referred to in Other Sections

This section is referred to in sections 10328, 10528, 10530, 10762, 10922, 10925, 10926, 10927, 11145, 11304, 11506, 11708 of this title; section 2512 of Appendix to this title.

§ 10927. Security of motor carriers, brokers, and freight forwarders

(a)(1) The Interstate Commerce Commission may issue a certificate or permit to a motor carrier under section 10922 or 10923 of this title and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title only if the carrier files with the Commission a bond, insurance policy, or other type of security approved by the Commission, in an amount not less than such amount as the Secretary of Transportation prescribes pursuant to, or as is required by, the provisions of section 30 the[*] Motor Carrier Act of 1980, in the case of a motor carrier of property, section 18 of the Bus Regulatory Reform Act of 1982, in the case of a motor carrier of passengers, or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the carrier for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of motor vehicles under the certificate or permit, or for loss or damage to property (except property referred to in paragraph (3) of this subsection), or both. A certificate or permit remains in effect only as long as the carrier satisfies the requirements of this paragraph.

(2) A motor carrier and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title) operating in the United States when providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country shall comply with the requirements of sections 10329 and 10330 that apply to a motor carrier providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title. To protect the public, the Commission may require any such motor carrier to file the type of security that a motor carrier is required to file under paragraph (1) of this subsection.

[*See main edition for text of* (*3*); (*b*) *to* (*d*)]

(As amended Pub. L. 98-554, title II, § 226(c)(2), (3), Oct. 30, 1984, 98 Stat. 2851.)

Amendments

1984—Subsec. (a)(1). Pub. L. 98-554, § 226(c)(2), inserted "and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title" after "10923 of this title", struck out "or" before "section 18 of the Bus Regulatory Reform Act of 1982", and added ", or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier" at end of first sentence.

Subsec. (a)(2). Pub. L. 98-554, § 226(c)(3), inserted "and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title)" after "A motor carrier".

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

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[*] So in original. Probably should be preceded by "of".

Financial Responsibility

Section 18(a)-(g) of Pub. L. 97-261, as amended by Pub. L. 98-554, title II, § 224, Oct. 30, 1984, 98 Stat. 2847, provided that:

[*See main edition for text of* (*a*) *to* (*c*)]

"(d)(1) Subject to paragraph (2) of this subsection, financial responsibility may be established under this section by any one or combination of the following methods acceptable to the Secretary: evidence of insurance, including high self-retention, guarantee, or surety bond. Any bond filed shall be issued by a bonding company authorized to do business in the United States. The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section.

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle by subparagraph (A) of this paragraph.

[*See main edition for text of* (*e*) *to* (*g*)]

Minimum Financial Responsibility for Motor Carriers Engaged in Transportation of Property for Hire for Public Liability, Property Damage, and Environmental Restoration; Oil or Hazardous Materials, Substances, or Wastes; Penalty; Report to Congress; Vehicles Affected; Definitions

Section 30 of Pub. L. 96-296, as amended by Pub. L. 97-424, title IV, § 406, Jan. 6, 1983, 96 Stat. 2158; Pub. L. 98-554, title II, § 222, Oct. 30, 1984, 98 Stat. 2846, provided that:

[*See main edition for text of* (*a*)]

"(b) [*See main edition for text of* (*1*) *and* (*2*)]

"(3) The minimal level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle transporting in interstate or intrastate commerce any material, oil, substance, or waste not subject to the provisions of paragraph (2) of this subsection shall not be less than $1,000,000, except that (A) the Secretary, by regulation, may reduce such amount (but not to an amount less than $500,000) for any class of vehicles or operations for the three and one-half year period beginning on the effective date of the regulations issued under this subsection or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service, (B) in the case of any class of vehicles transporting any such material, oil, substance, or waste in intrastate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety, and (C) in the case of any farm vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.

[*See main edition for text of* (*4*); (*c*) *to* (*f*)]

"(g) For purposes of this section, the term—

"(1) 'farm vehicle' means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined under section 10102 of title 49, United States Code), and (C) is only incidentally operated on highways;

"(2) 'Interstate commerce' includes transportation between a place in a State and a place outside the United States, to the extent such transportation is in the United States;

"(3) 'Secretary' means the Secretary of Transportation; and

"(4) 'State' (including its use in the terms 'interstate' and 'intrastate') means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas."

§ 10934. Household goods agents

[*See main edition for text of* (*a*) *and* (*b*)]

(c)(1) Whenever the Commission has reason to believe from a complaint or investigation that an agent providing household goods transportation services (including accessorial and terminal services) under the authority of a motor common carrier providing transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title has violated section 11901(k) or 11917 of this title or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), it may issue to such agent a complaint stating the charges and containing notice of the time and place of a hearing which shall be held no later than 60 days after service of the complaint to such agent.

(2) Such agent shall have the right to appear at such hearing and rebut the charges contained in the complaint.

(3) If such person does not appear at the hearing or if the Commission finds that the agent has violated section 11901(k) or 11917 of this title or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), it may issue an order to compel compliance with the requirement that the agent be fit, willing, and able. Thereafter, the Commission may issue an order to limit, condition, or prohibit such agent from any involvement in the transportation or provision of services incidental to the transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title if, after notice and an opportunity for a hearing, it finds that such agent, within a reasonable time after the date of issuance of a compliance order under this section, but in no event less than 30 days after such date of issuance, has willfully failed to comply with such order.

[*See main edition for text of* (*4*) *and* (*5*); (*d*)]

(As amended Pub. L. 98-554, title II, § 227(a)(2), Oct. 30, 1984, 98 Stat. 2852.)

Amendments

1984—Subsec. (c)(1), (3). Pub. L. 98-554 substituted "11901(k)" for "11901(j)".

CHAPTER 111—OPERATIONS OF CARRIERS

SUBCHAPTER II—CAR SERVICE

§ 11125. Directed rail transportation

[*See main edition for text of (a)*]

(b) [*See main edition for text of (1)*]

(2) The Commission may not take action that would—

(A) cause a directed carrier to operate in violation of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.); or

[*See main edition for text of (B), (3) to (5)*]

(As amended Pub. L. 98-216, § 2(15), Feb. 14, 1984, 98 Stat. 5.)

References in Text

The Federal Railroad Safety Act of 1970, referred to in subsec. (b)(2), is Pub. L. 91-458, title II, Oct. 16, 1970, 84 Stat. 971, as amended, which is classified generally to subchapter II (§ 431 et seq.) of chapter 13 of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 431 of Title 45 and Tables.

Amendments

1984—Subsec. (b)(2)(A). Pub. L. 98-216 substituted "the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)" for "section 421 of title 45".

CHAPTER 113—FINANCE

SUBCHAPTER I—CARRIER SECURITIES, EQUIPMENT TRUSTS, AND SECURITY INTERESTS

§ 11303. Equipment trusts: recordation; evidence of indebtedness

References in Text

The Ship Mortgage Act, 1920, referred to in subsec. (a), is section 30 of act June 5, 1920, ch. 250, 41 Stat. 1000, as amended, which is classified generally to chapter 25 (§ 911 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 984 of Title 46, Appendix, and Tables.

SUBCHAPTER III—COMBINATIONS

§ 11344. Consolidation, merger, and acquisition of control: general procedure and conditions of approval

[*See main edition for text of (a) to (c)*]

(d) In a proceeding under this section which does not involve the merger or control of at least two class I railroads, as defined by the Commission, the Commission shall approve such an application unless it finds that—

[*See main edition for text of (1) and (2)*]

In making such findings, the Commission shall, with respect to any application that is part of a plan or proposal developed under section 333(a)-(d) of this title, accord substantial weight to any recommendations of the Secretary of Transportation. The provisions of this subsection do not apply to any proceeding under this section which involves only carriers of passengers providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title.

[*See main edition for text of (e)*]

(As amended Pub. L. 98-216, § 2(4), Feb. 14, 1984, 98 Stat. 5.)

Historical and Revision Notes

1984 Act

This amends cross-references in sections 10904(d)(2) and (e)(3) and 11344(d) of title 49 affected by the codification of subtitle I of title 49 by section 1 of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2413).

Amendments

1984—Subsec. (d). Pub. L. 98-216 substituted "section 333(a)-(d) of this title" for "section 5(a)-(d) of the Department of Transportation Act (49 U.S.C. 1654(a)-(d))".

§ 11347. Employee protective arrangements in transactions involving rail carriers

When a rail carrier is involved in a transaction for which approval is sought under sections 11344 and 11345 or section 11346 of this title, the Interstate Commerce Commission shall require the carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under this section before February 5, 1976, and the terms established under section 405 of the Rail Passenger Service Act (45 U.S.C. 565). Notwithstanding this subtitle, the arrangement may be made by the rail carrier and the authorized representative of its employees. The arrangement and the order approving the transaction must require that the employees of the affected rail carrier will not be in a worse position related to their employment as a result of the transaction during the 4 years following the effective date of the final action of the Commission (or if an employee was employed for a lesser period of time by the carrier before the action became effective, for that lesser period).

(As amended Pub. L. 98-216, § 2(16), Feb. 14, 1984, 98 Stat. 5.)

Amendments

1984—Pub. L. 98-216 substituted "section 405 of the Rail Passenger Service Act (45 U.S.C. 565)" for "section 565 of title 45".

§ 11348. Interstate Commerce Commission authority over noncarrier that acquires control of carrier

(a) When the Interstate Commerce Commission approves and authorizes a transaction under sections 11344 and 11345 of this title in which a person not a carrier providing transportation subject to the jurisdiction of the Commission under chapter 105 of this title acquires control of at least one carrier subject to the jurisdiction of the Commission, the person is subject, as a carrier, to the following provisions of this title that apply to the carrier being acquired by that person, to the extent specified by the Commission: section[1] 504(f), 10764, subchapter III of chapter 111, and sections 11301, 11709, 11901(f), (*l*)(1), 11909(a)(1), (b), and 11911(a).

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[1] So in original. Probably should be "sections".

[*See main edition for text of* (*b*)]

(As amended Pub. L. 98-554, title II, § 227(a)(3), Oct. 30, 1984, 98 Stat. 2852.)

Amendments

1984—Subsec. (a). Pub. L. 98-554 substituted "(*l*)(1)" for "(k)(1)" after "11901(f),".

SUBCHAPTER IV—FINANCIAL STRUCTURE

§ 11361. Scope of authority: changes in financial structure

[*See main edition for text of* (*a*)]

(b) The Commission may not approve an application filed under this section by a carrier that is in equity receivership or reorganization under subchapter IV of chapter 11 of title 11.

[*See main edition for text of* (*c*) *and* (*d*)]

(As amended Pub. L. 98-216, § 2(17), Feb. 14, 1984, 98 Stat. 5.)

Historical and Revision Notes

1984 Act

This is necessary to correct an amendment made by section 5(g)(9) of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2443).

Amendments

1984—Subsec. (b). Pub. L. 98-216 substituted "subchapter IV of chapter 11" for "subchapter IV".

§ 11367. Application of other laws

(a) Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) does not apply to a solicitation related to a proposed change under this subchapter.

(b) If the Interstate Commerce Commission finds an issuance of a security, that is an interest in a railroad equipment trust as defined in section 3(a)(6) of the Securities Act of 1933 (15 U.S.C. 77c(a)(6)), under this subchapter complies with section 11301 of this title, it is considered to be an issuance subject to section 11301 within the meaning of section 3(a)(6). Section 5 of that Act (15 U.S.C. 77e) does not apply to the issuance, sale, or exchange of certificates of deposit representing securities of, or claims against, a carrier that are issued by committees in proceedings under this subchapter. Those certificates and transactions under this subchapter are exempt from that Act (15 U.S.C. 77a et seq.).

(As amended Pub. L. 98-216, § 2(18), (19), Feb. 14, 1984, 98 Stat. 5.)

References in Text

That Act, referred to in subsec. (b), is Act May 27, 1933, ch. 38, title I, 48 Stat. 74, as amended, known as the Securities Act of 1933, which is classified generally to subchapter I (section 77a et seq.) of chapter 2A of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 77a of Title 15 and Tables.

Amendments

1984—Subsec. (a). Pub. L. 98-216, § 2(18), substituted "Section 14(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78n(a))" for "Section 78n(a) of title 15".

Subsec. (b). Pub. L. 98-216, § 2(19), substituted "section 3(a)(6) of the Securities Act of 1933 (15 U.S.C. 77c(a)(6))" for first reference to "section 77c(a)(6) of title 15", "section 3(a)(6)" for second reference to "section 77c(a)(6) of title 15", "Section 5 of that Act (15 U.S.C. 77e)" for "Section 77e of title 15", and "that Act (15 U.S.C. 77a et seq.)" for "subchapter I of chapter 2A of title 15".

CHAPTER 115—FEDERAL-STATE RELATIONS

§ 11507. Prison-made property governed by State law

Amendment of Section

Pub. L. 98-473, title II, §§ 233, 235(a)(1), Oct. 12, 1984, 98 Stat. 2031, as amended, provided that, effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), this section is amended by inserting ", supervised release," after "parole". See Effective Date note set out under section 3551 of Title 18, Crimes and Criminal Procedure.

CHAPTER 117—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

§ 11701. General authority

(a) The Interstate Commerce Commission may begin an investigation under this subtitle on its own initiative or on complaint. If the Commission finds that a carrier or broker is violating this subtitle, the Commission shall take appropriate action to compel compliance with this subtitle. If the Commission finds that a motor private carrier is violating section 10530 of this subtitle,[1] the Commission shall take appropriate action to compel compliance with such section. The Commission may take that action only after giving the carrier or broker notice of the investigation and an opportunity for a proceeding.

(b) A person, including a governmental authority, may file with the Commission a complaint about a violation of this subtitle by a carrier providing, or broker for, transportation or service subject to the jurisdiction of the Commission under this subtitle or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title. The complaint must state the facts that are the subject of the violation and, if it is against a water carrier, must be made under oath. The Commission may dismiss a complaint it determines does not state reasonable grounds for investigation and action. However, the Commission may not dismiss a complaint made against a common carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title because of the absence of direct damage to the complainant.

[*See main edition for text of* (*c*)]

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[1] So in original. Probably should be "title,".

(As amended Pub. L. 98-554, title II, § 226(c)(4), Oct. 30, 1984, 98 Stat. 2851.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-554 added "If the Commission finds that a motor private carrier is violating section 10530 of this subtitle, the Commission shall take appropriate action to compel compliance with such section."

Subsec. (b). Pub. L. 98-554 inserted "or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title" at end of first sentence.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

§ 11702. Enforcement by the Interstate Commerce Commission

(a) The Interstate Commerce Commission may bring a civil action—

[*See main edition for text of* (*1*) *to* (*3*)]

(4) to enforce this subtitle (except a civil action under a provision of this subtitle governing the reasonableness and discriminatory character of rates), or a regulation or order of the Commission or a certificate or permit issued under this subtitle when violated by a motor carrier or broker providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or by a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title;

[*See main edition for text of* (*5*) *and* (*6*); (*b*)]

(As amended Pub. L. 98-554, title II, § 226(c)(5), Oct. 30, 1984, 98 Stat. 2851.)

AMENDMENTS

1984—Subsec. (a)(4). Pub. L. 98-554 inserted "or by a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title" before the semicolon at the end.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

CHAPTER 119—CIVIL AND CRIMINAL PENALTIES

§ 11901. General civil penalties

[*See main edition for text of* (*a*) *to* (*f*)]

(g) A person required to make a report to the Commission, answer a question, or make, prepare, or preserve a record under this subtitle concerning transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or transportation provided under a certificate of registration issued under section 10530 of this title, or an officer, agent, or employee of that person that (1) does not make the report, (2) does not specifically, completely, and truthfully answer the question, (3) does not make, prepare, or preserve the record in the form and manner prescribed by the Commission, (4) does not comply with section 10921 of this title, or (5) does not comply with section 10530 of this title, is liable to the United States Government for a civil penalty of not more than $500 for each violation and for not more than $250 for each additional day the violation continues; except that, in the case of a person who does not have authority under this subtitle to provide transportation of passengers, or an officer, agent, or employee of such person, that does not comply with section 10921 of this title with respect to providing transportation of passengers, the amount of the civil penalty shall not be more than $1,000 for each violation and $500 for each additional day the violation continues. After the date of enactment of this sentence, no penalties shall be imposed under this subsection for a violation relating to the transportation of household goods. Any such penalties that were imposed prior to such date of enactment shall be collected only in accordance with the provisions of subsection (l) of this section.

(h) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed $20,000 for each violation.

(l)(1) Any person required to make a report to the Commission, answer a question, or make, prepare, or preserve a record under this subtitle concerning transportation of household goods subject to jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of such person, that (A) does not make the report, (B) does not specifically, completely, and truthfully answer the question, (C) does not make, prepare, or preserve the record in the form and manner prescribed by the Commission, or (D) does not comply with section 10921 of this title, is liable to the United States for a civil penalty of not more than $500 for each violation and of not more than $250 for each additional day during which the violation continues. No penalty shall be imposed under this paragraph for any failure to make, prepare, or preserve the record in the form and manner prescribed by the Commission unless the shipper or shippers have suffered harm as a result of such failure.

(2) In determining and negotiating the amount of a civil penalty under this subsection, the degree of culpability, any history of prior such conduct, the degree of harm to shipper or shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the

proceeding, and such other matters as fairness may require shall be taken into account.

(j)(1) Subject to the provisions of paragraph (3) of this subsection, if a common carrier providing transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or a receiver or trustee of such carrier fails or refuses to comply with any regulation issued by the Commission relating to protection of individual shippers, such carrier, receiver, or trustee is liable to the United States for a civil penalty of not more than $1,000 for each violation and of not more than $500 for each additional day during which the violation continues.

(2)(A) If the Commission determines—

(i) that a common carrier providing transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or a receiver or trustee of such carrier has failed or refused to comply with a regulation issued by the Commission relating to protection of individual shippers in excess of any performance standard established in such regulation; and

(ii) with respect to each such failure or refusal, that the shipper or shippers have suffered harm as a result of such failure or refusal;

the Commission may, in writing, notify the carrier, receiver, or trustee of its determinations and may elect to assess civil penalties under this paragraph for such failures and refusals in lieu of proceeding under paragraph (1) of this subsection with respect to such failures and refusals. If the Commission elects to assess civil penalties under this paragraph, such civil penalties may only be assessed after notice and opportunity for a hearing.

(B) Subject to the provisions of paragraph (3) of this subsection, the amount of a civil penalty which may be assessed under this paragraph for a failure or refusal shall not be more than $1,000 for such failure or refusal and $500 for each additional day during which such failure or refusal continues.

(C) Notwithstanding the provisions of section 1336 of title 28, United States Code, a proceeding to enjoin or suspend, in whole or part, an order issued by the Commission assessing one or more civil penalties under this paragraph may only be brought in the United States court of appeals as provided by and in the manner prescribed in chapter 158 of such title.

(3) The amount of a civil penalty which may be assessed under paragraph (1) or (2) of this subsection for a failure or refusal shall not be more than $500 for such failure or refusal and $250 for each additional day during which such failure or refusal continues if, between the time the carrier, receiver, or trustee receives notice from the Commission of such failure or refusal and the commencement of the assessment hearing or trial, as the case may be, the carrier, receiver, or trustee adequately compensates the shipper or shippers, or offers adequate compensation to the shipper or shippers, for the harm they have suffered as a result of such failure or refusal.

(4)(A) No civil penalty may be imposed under this subsection for a failure or refusal to comply with a regulation issued by the Commission relating to protection of individual shippers unless the shipper or shippers have suffered harm as a result of such failure or refusal.

(B) In addition, no civil penalty may be imposed under this subsection for a failure or refusal to comply with a regulation issued by the Commission relating to protection of individual shippers—

(i) if, before receiving notice from the Commission of such failure or refusal, the carrier, receiver, or trustee adequately compensates the shipper or shippers, or offers adequate compensation to the shipper or shippers, for the harm they have suffered as a result of such failure or refusal; or

(ii) in the case of a carrier, receiver, or trustee that does not know or have reason to know that the shipper or shippers have suffered harm as a result of such failure or refusal before receiving notice from the Commission of such failure or refusal, if such carrier, receiver, or trustee adequately compensates the shipper or shippers, or offers adequate compensation to the shipper or shippers, for such harm before commencement under this subsection of the assessment hearing or trial, as the case may be.

(5) In determining and negotiating the amount of a civil penalty under this subsection, the degree of culpability, any history of prior such conduct, the degree of harm to shipper or shippers, ability to pay, the effect on ability to do business, and such other matters as fairness may require shall be taken into account.

(k) Any person that knowingly engages in or knowingly authorizes an agent or other person (1) to falsify documents used in the transportation of household goods subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title which evidence the weight of a shipment, or (2) to charge for accessorial services which are not performed or for which the carrier is not entitled to be compensated in any case in which such services are not reasonably necessary in the safe and adequate movement of the shipment, is liable to the United States for a civil penalty of not more than $2,000 for each violation and of not more than $5,000 for each subsequent violation. Any State may bring a civil action in the United States district courts to compel a person to pay a civil penalty assessed under this subsection.

(l)(1) Trial in a civil action under subsections (a)-(f) of this section is in the judicial district in which the carrier has its principal operating office or in a district through which the railroad of the carrier runs.

(2) Trial in a civil action under subsection (g), (h), (i), (j)(1), or (k) of this section is in the judicial district in which (A) the motor carrier or broker has its principal office, (B) the motor carrier or broker was authorized to provide transportation under this subtitle when the violation occurred, (C) the violation occurred, or (D) the offender is found. Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

(As amended Pub. L. 98-554, title II, §§ 226(c)(6), 227(a)(1), Oct. 30, 1984, 98 Stat. 2852.)

AMENDMENTS

1984—Subsec. (g). Pub. L. 98-554, § 226(c)(6), inserted "or transportation provided under a certificate of registration issued under section 10530 of this title" after "chapter 105 of this title", struck out "or" before "(4)", and inserted "or (5) does not comply with section 10530 of this title," before "is liable to".

Pub. L. 98-554, § 227(a)(1)(A), substituted "(i)" for "(h)" before "of this section" at the end.

Subsecs. (h) to (*l*). Pub. L. 98-554, § 227(a)(1)(B)-(D), redesignated subsec. (h) beginning "(h)(1) Any person required", which was added by Pub. L. 96-510, and subsecs. (i), (j), and (k), as subsecs. (i), (j), (k), and (*l*), respectively, inserted "of" after "paragraph (3)" in subsec. (j)(1), substituted "(i), (j)(1), or (k)" for "(i)(1), or (j)" in subsec. (*l*)(1).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

§ 11909. Record keeping and reporting violations

[*See main edition for text of* (*a*)]

(b) A person required to make a report to the Commission, answer a question, or make, prepare, or preserve a record under this subtitle about transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or subject to the jurisdiction of the Commission before October 15, 1966,,[1] or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Commission requires the question to be answered, (3) willfully does not make, prepare, or preserve that record in the form and manner prescribed by the Commission, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record, (5) knowingly and willfully files a false report or record with the Commission, (6) knowingly and willfully makes a false or incomplete entry in that record about a business related fact or transaction, or (7) knowingly and willfully makes, prepares, or preserves a record in violation of a regulation or order of the Commission, shall be fined not more than $5,000.

[*See main edition for text of* (*c*) *and* (*d*)]

(As amended Pub. L. 98-216, § 2(20), Feb. 14, 1984, 98 Stat. 6.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-216 substituted "before October 15, 1966" for "prior to enactment of the Department of Transportation Act".

§ 11914. General criminal penalty when specific penalty not provided

[*See main edition for text of* (*a*)]

(b) When another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates a provision of this subtitle or a regulation or order prescribed under this subtitle, or a condition of a certificate or permit issued under this subtitle related to transportation that is subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or subject to the jurisdiction of the Commission before October 15, 1966, or a condition of a certificate of registration issued under section 10530 of this title, shall be fined at least $100 but not more than $500 for the first violation and at least $200 but not more than $500 for a subsequent violation. A separate violation occurs each day the violation continues.

[*See main edition for text of* (*c*) *and* (*d*)]

(As amended Pub. L. 98-216, § 2(20), Feb. 14, 1984, 98 Stat. 6; Pub. L. 98-554, title II, § 226(c)(7), Oct. 30, 1984, 98 Stat. 2852.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-554 struck out the comma after "this title" and inserted "or a condition of a certificate of registration issued under section 10530 of this title," after "1966,".

Pub. L. 98-216 substituted "before October 15, 1966" for "prior to enactment of the Department of Transportation Act".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-554 effective May 1, 1985, except as otherwise provided, see section 226(d) of Pub. L. 98-554, set out as an Effective Date note under section 10530 of this title.

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[1] So in original.

[illegible]

(b) A person required to make a report to the Commission, answer a question, or make, prepare, or preserve a record under this subchapter about transportation subject to the jurisdiction of the Commission under subchapter [illegible] of chapter 105 of this title, or [illegible] the Commission under [illegible], or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Commission requires the question to be answered, (3) willfully does not make, prepare, or preserve that record in the form and manner prescribed by the Commission, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record, (5) knowingly and willfully files a false report or record with the Commission, (6) knowingly and willfully makes a false or incomplete entry in that record about a business related fact or transaction, or (7) knowingly and willfully [illegible]

[illegible]

TITLE 49, APPENDIX—TRANSPORTATION

This Appendix consists of sections of former Title 49 that were not included in Title 49 as enacted by Pub. L. 95-473 and Pub. L. 97-449, and certain laws related to transportation that were enacted after Pub. L. 95-473. Sections from former Title 49 retain the same section numbers in this Appendix. For disposition of all sections of former Title 49, see Table at beginning of Title 49, Transportation.

Chap.		Sec.
34.	Motor Carrier Safety	2501
35.	Commercial Space Launch	2601

CHAPTER 4—BILLS OF LADING

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 46 App. section 1303.

CHAPTER 11—SEIZURE AND FORFEITURE OF CARRIERS TRANSPORTING, ETC., CONTRABAND ARTICLES

§ 787. Definitions

REFERENCES IN TEXT

Sections 802(16) and 802(15) of title 21, referred to in subsec. (d), were redesignated sections 802(17) and 802(16) of title 21, Food and Drugs, respectively, by Pub. L. 98-473, title II, § 507(a), Oct. 12, 1984, 98 Stat. 2071.

CHAPTER 15—INTERNATIONAL AVIATION FACILITIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1553 of this Appendix; title 40 section 474.

§ 1151. Definitions

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board under this chapter were transferred to the Secretary of Transportation by section 1553(a)(2) of this Appendix, effective Jan. 1, 1985.

§ 1159a. International user charges; survey and report of discriminatory practices; negotiations by relevant Federal departments and agencies for reduction or elimination; payment of compensatory charges; procedure for imposition and accrual

The Secretary of Transportation shall survey the charges made to air carriers by foreign governments or other foreign entities for the use of airport property or airway property in foreign air transportation. If the Secretary of Transportation determines at any time that such charges unreasonably exceed comparable charges for furnishing such airport property or airway property in the United States or are otherwise discriminatory, he shall submit a report on such cases promptly to the Secretary of State, and the Secretary of State, in collaboration with the Secretary of Transportation, shall promptly undertake negotiations with the foreign country involved to reduce such charges or eliminate such discriminations. If within a reasonable period such charges are not reduced or such discriminations eliminated through negotiations, the Secretary of State shall promptly report such instances to the Secretary of Transportation who shall determine compensating charges equal to such excessive or discriminatory charges. Such compensating charges shall, with the approval of the Secretary of State, be imposed on the foreign air carrier or carriers of the country concerned by the Secretary of the Treasury as a condition to acceptance of the general declaration at the time of landing or takeoff of aircraft of such foreign air carrier or carriers. The amounts so collected shall accrue to an account established for that purpose by the Secretary of the Treasury. Payments shall be made from that account to air carriers in such amounts as shall be certified by the Secretary of Transportation in accordance with such regulations as he shall adopt to compensate such air carriers for excessive or discriminatory charges paid by them to the foreign countries involved.

(As amended Oct. 4, 1984, Pub. L. 98-443, § 9(c), 98 Stat. 1706.)

AMENDMENTS

1984—Pub. L. 98-443 substituted "the Secretary of State, and the Secretary of State, in collaboration with the Secretary of Transportation" for "the Secretary of State and the Civil Aeronautics Board, and the Secretary of State, in collaboration with the Civil Aeronautics Board".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board under this chapter were transferred to the Secretary of Transportation by section 1553(a)(2) of this Appendix, effective Jan. 1, 1985.

§ 1159b. Discriminatory and unfair competitive practices

(a) Review and remedial activities by relevant Federal departments and agencies

United States air carriers operating in foreign air transportation perform services of vital importance to the foreign commerce of the United States including its balance of payments, to the Postal Service, and to the national defense. Such carriers have become subject to a variety of discriminatory and unfair competitive practices in their competition with foreign air carriers. The Department of State, the Department of the Treasury, the Department of Transportation, and other departments or agencies, therefore, each shall keep under review, to the extent of their respective functions, all forms of discrimination or unfair competitive practices to which United States air carriers are subject in providing foreign air transportation services and each shall take all appropriate actions within its jurisdiction to eliminate such forms of discrimination or unfair competitive practices found to exist.

(b) Actions by Secretary of Transportation to eliminate unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practices of foreign governments or instrumentalities; complaints to Secretary; remedial action; proposed actions submitted to President

(1) Whenever the Secretary of Transportation, upon complaint or upon its own initiative, determines that a foreign government or instrumentality, including a foreign air carrier (A) engages in unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practices against a United States air carrier or (B) imposes unjustifiable or unreasonable restrictions on access of a United States air carrier to foreign markets, the Secretary may take such action as it deems to be in the public interest to eliminate such practices or restrictions. Such actions may include, but are not limited to, the denial, transfer, alteration, modification, amendment, cancellation, suspension, limitation, or revocation of any foreign air carrier permit or tariff pursuant to the powers of the Secretary under the Federal Aviation Act of 1958 [49 App. U.S.C. 1301 et seq.].

(2) Any United States air carrier or any agency of the Government of the United States may file a complaint under this section with the Secretary of Transportation. The Secretary shall approve, deny, dismiss, set such complaint for hearing or investigation, or institute other proceedings proposing remedial action within 60 days after receipt of the complaint. The Secretary may extend the period for taking such action for an additional period or periods of up to 30 days each if the Secretary concludes that it is likely that the complaint can be satisfactorily resolved through negotiations with the foreign government or instrumentality during such additional period, but in no event may the aggregate period for taking action under this subsection exceed 180 days from receipt of the complaint. In considering any complaint, or in any proceedings under its own initiative, under this subsection the Secretary shall (A) solicit the views of the Department of State and (B) provide any affected air carrier or foreign air carrier with reasonable notice and such opportunity to file written evidence and argument as is consistent with acting on the complaint within the time limits set forth in this subsection.

(3) Any action proposed by the Secretary pursuant to this section shall be transmitted to the President pursuant to section 801 of the Federal Aviation Act of 1958 [49 App. U.S.C. 1461].

[*See main edition for text of* (c)]

(d) Annual report to Congress by Secretary of Transportation of remedial activities; information for preparation of report

The Secretary of Transportation shall report annually to Congress on the actions that have been taken under subsection (a) of this section and on the continuing program to eliminate discriminations and unfair competitive practices faced by United States carriers in foreign air transportation. The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.

(As amended Pub. L. 98-443, § 9(d), Oct. 4, 1984, 98 Stat. 1706.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-443, § 9(d)(1), struck out "the Civil Aeronautics Board," after "the Department of Transportation,".

Subsec. (b). Pub. L. 98-443, § 9(d)(2), (3), substituted "Secretary of Transportation" and "Secretary" for "Civil Aeronautics Board" and "Board", respectively, wherever appearing, and struck out "and the Department of Transportation" after "Department of State" in par. (2)(A).

Subsec. (d). Pub. L. 98-443, § 9(d)(2), substituted "Secretary of Transportation" for "Civil Aeronautics Board" in first sentence, and substituted "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation" for "The Secretaries of State, Treasury, and Transportation shall furnish to the Civil Aeronautics Board" in second sentence.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board under this chapter were transferred to the Secretary of Transportation by section 1553(a)(1) of this Appendix, effective Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1553 of this Appendix.

CHAPTER 20—FEDERAL AVIATION PROGRAM

SUBCHAPTER III—ORGANIZATION OF ADMINISTRATION; POWERS AND DUTIES OF ADMINISTRATOR

Sec.
1356b. Authority to carry firearms and make arrests.

SUBCHAPTER IV—AIR CARRIER ECONOMIC REGULATION

1371a. Suspension, modification, or revocation of certificate of public convenience and necessity or foreign air carrier permit; illegal importation of controlled substances.

SUBCHAPTER XI—MISCELLANEOUS

1515. Security standards in foreign air transportation.
  (a) Assessment of security measures.
  (b) Consultation with Secretary of State.
  (c) Report of assessments.
  (d) Notification to foreign country of determination.
  (e) Notice and sanctions.
  (f) Lifting of sanctions.
  (g) Authority for immediate suspension of air service.
  (h) Conditions of authority.
1515a. Travel advisory and suspension of foreign assistance.
  (a) Travel advisory.
  (b) Suspension of foreign assistance.
  (c) Lifting sanctions.
  (d) Notification to Congress.
1519. Aeronautical charts and maps.

SUBCHAPTER XIV—CHANGES IN REGULATORY STRUCTURE

1553. Transfer of functions under other laws.
  (a) Transfer of functions, powers, and duties of Board to Secretary of Transportation.
  (b) Effective date of transfer.
  (c) Authority of Secretary of Transportation respecting air transportation wholly within State of Alaska.
1554. Transfers and allocations of appropriations and personnel.
  (a) Transfer of personnel, assets, liabilities, contracts, etc.; allocation; use of funds.
  (b) Authority of Director of Office of Management and Budget; determinations; incidental disposition of personnel, assets, etc.; resolution of disputes between Board and transferee agencies.
  (c) Joint planning between Chairman of Civil Aeronautics Board and Secretary of Transportation.
1555. Effect on personnel.
1556. Savings provisions.
  (a) Continued force and effect of prior orders, determinations, rules, regulations, permits, etc.
  (b) Effect of transfers of function on pending administrative proceedings; discontinuance or modification.
  (c) Effect of transfers of function on prior judicial proceedings.
  (d) Abatement of actions and proceedings by or against Civil Aeronautics Board or officer thereof.
  (e) Continuation of action by or against transferee agency.

Sec.
  (f) References to Civil Aeronautics Board to be deemed references to transferee agency.
  (g) Head of transferee agency; authority; force and effect of administrative action.
  (h) Operational continuity of transferred functions.
1557. "Agency" and "function" defined.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1159b, 1356a, 1482a, 2205 of this Appendix; title 7 section 136q; title 10 section 9511; title 11 section 1110; title 14 section 82; title 15 sections 21, 45, 1607, 1681s, 1691c, 1692*l*, 1693*o*; title 18 section 31; title 26 sections 47, 9502; title 31 section 3726; title 39 sections 5401, 5402; title 40 App. section 208; title 42 section 7572; title 49 sections 329, 10561, 10749.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1301. Definitions

As used in this chapter, unless the context otherwise requires—

[*See main edition for text of* (1) *to* (10)]

(11) "All-cargo air service" means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.

[*See main edition for text of* (12) *to* (37)]

(38) The term "special aircraft jurisdiction of the United States" includes—

[*See main edition for text of* (a) *to* (c)]

(d) any other aircraft outside the United States—

(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States;

(ii) having "an offense", as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; or

(iii) regarding which an offense as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, September 23, 1971) is committed if the aircraft lands in the United States with an alleged offender still on board; and

[*See main edition for text of* (e)]

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard.

[*See main edition for text of* (39) *to* (41)]

(As amended Pub. L. 98-443, § 9(a)(1), Oct. 4, 1984, 98 Stat. 1706; Pub. L. 98-473, title II, § 2013(c), Oct. 12, 1984, 98 Stat. 2189.)

Amendments

1984—Par. (11). Pub. L. 98-443 substituted provisions defining "all-cargo air service" as the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both, for provisions that had defined "all-cargo air service" as meaning the carriage by aircraft of only property as a common carrier for compensation or hire, or mail, or both, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States or the District of Columbia or any place in the Commonwealth of Puerto Rico or the Virgin Islands, or between places in the same State of the United States through the airspace over any place outside thereof, or between places in the same territory or possession of the United States, or the District of Columbia, or between a place in the Commonwealth of Puerto Rico and a place in the Virgin Islands, whether such commerce moved wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Par. (38)(d)(iii). Pub. L. 98-473 added cl. (iii).

Effective Date of 1984 Amendments

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 2015 of Pub. L. 98-473, set out as a note under section 31 of Title 18, Crimes and Criminal Procedure.

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

Short Title of 1984 Amendments

Pub. L. 98-499, § 1, Oct. 19, 1984, 98 Stat. 2312, provided: "That this Act [amending sections 1401, 1422, 1429, 1472, and 1903 of this Appendix] may be cited as the 'Aviation Drug-Trafficking Control Act'."

Section 1 of Pub. L. 98-443 provided that: "This section [enacting sections 1553 to 1557 of this Appendix, amending sections 329, 1159a, 1159b, 1301, 1304, 1305, 1377, 1381, 1382, 1388, 1389, 1537, and 1551 of this Appendix, sections 5314 and 5315 of Title 5, Government Organization and Employees, sections 1622 and 2145 of Title 7, Agriculture, sections 4746 and 9746 of Title 10, Armed Forces, sections 18, 21, 1607, 1681s, 1691c, and 1692l of Title 15, Commerce and Trade, section 18b of Title 16, Conservation, sections 47 and 7701 of Title 26, Internal Revenue Code, section 3726 of Title 31, Money and Finance, sections 3401, 5005, 5401, and 5402 of Title 39, Postal Service, and section 3502 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under sections 329, 1371, 1389, 1551, and 2423 of this Appendix and section 5314 of Title 5] may be cited as the 'Civil Aeronautics Board Sunset Act of 1984'."

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section Referred to in Other Sections

This section is referred to in section 1807 of this Appendix; title 11 section 1110; title 15 section 2052; title 18 sections 112, 553, 831, 878, 1116, 1201, 2318; title 19 sections 1627, 1627a; title 26 section 47; title 39 sections 5005, 5402; title 42 sections 4902, 7574; title 49 sections 321, 334.

§ 1302. Consideration of matters in public interest by Board

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1303. Consideration of matters in public interest by Secretary of Transportation

Civil Commercial Aircraft Study by National Academy of Sciences Concerning Public Health and Safety; Special and Objective Considerations; Use of Available Data; Representative Views; Copy of Study and Recommendations to Congress; Authorization of Appropriations

Pub. L. 98-466, Oct. 11, 1984, 98 Stat. 1825, provided:

"Section 1. (a) The Secretary of Transportation shall, in the interest of health and safety, and in the interest of promoting and maintaining a superior United States aviation industry, commission an independent study by the National Academy of Sciences. The study shall determine whether civil commercial aviation industry practices and standards and Federal Aviation Administration rules, regulations, and minimum standards are nondiscriminatory and at least in conformance and parity with nonaviation standards, practices, and regulations for the appropriate maintenance of public and occupational health and safety (including de facto circumstances) in relation to airline cabin air quality for all passengers and crew aboard civil commercial aircraft.

"(b) In conducting the study, special and objective considerations shall be given to the uniqueness of the environment onboard civil commercial aircraft. The study shall focus on all health and safety aspects of airline cabin air quality, including but not limited to—

"(1) the quantity of fresh air per occupant and overall quality of air onboard;

"(2) the quantity and quality of humidification;

"(3) onboard environmental conditions and contamination limits, including exposure to radiation;

"(4) emergency breathing equipment, including toxic fume-protective breathing equipment;

"(5) measures, procedures, and capabilities for detecting and extinguishing fires and the removal of smoke and toxic fumes within safe pressurization limits;

"(6) safe pressurization of the aircraft, considering the broad range of cardiopulmonary health of the traveling public, and dissemination of information to the medical profession and the general public of current pressurization limits and practices to assure valid medical advice concerning the health effects of air travel;

"(7) the feasibility of collection and dissemination by the aviation industry, the Federal Aviation Administration, or any other private or governmental organization of a data base of medical statistics and environmental factors relating to air travel, including but not limited to, maintenance and operation records and procedures of aircraft, in an effort to assess the adequacy of aircraft systems, design, regulations, standards and practices relating to airline cabin air quality from the standpoint of health and safety, and for the purpose of issuing Federal Aviation Administration administrative advisory circulars and airworthiness directive regulations to correct any deficiencies disclosed;

"(8) the adequacy of current preflight and inflight health and safety instructions for air travelers that relate to airline cabin air quality, including but not limited to, life safety procedures during inflight fire, smoke, and toxic fume emergencies; and

"(9) a comparison of foreign industry practices, regulations, and standards.

"(c) In conducting the study, special care shall be taken to assure that all existing studies, recommendations, data, and state of the art technology relevant to the health and safety aspects of airline cabin air quality are considered.

"(d) In conducting the study, the National Academy of Sciences shall consult with and solicit the views of academic experts, representatives of airline labor, the aviation industry and independent experts and organizations.

"(e) The study shall include such recommendations for legislative, regulatory, and industry changes as the National Academy of Sciences determines to be advisable for promotion of health and safety in relation to airline cabin air quality.

"SEC. 2. The Secretary of Transportation shall submit a copy of the study, as it was prepared by the National Academy of Sciences, to the Congress within eighteen months after the date of enactment of this Act [Oct. 11, 1984]. At such time the Secretary shall also set forth such comments on the matters covered by the study and such recommendations for legislative, regulatory, and industry changes as the Secretary determines to be necessary.

"SEC. 3. There is authorized to be appropriated not to exceed $500,000 for the fiscal year commencing October 1, 1984, to carry out the study authorized by this Act. Such funds shall remain available for obligation until expended."

§ 1304. Public right of transit; accessibility of airports and air transportation to disabled persons

There is recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States. In the furtherance of such right, the Board or the Secretary, as the case may be, shall consult with the Architectural and Transportation Barriers Compliance Board established under section 792 of title 29, prior to issuing or amending any order, rule, regulation, or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped persons.

(As amended Pub. L. 98-443, § 14, Oct. 4, 1984, 98 Stat. 1711.)

AMENDMENTS

1984—Pub. L. 98-443 added provision that in the furtherance of such right, the Board or the Secretary, as the case may be, shall consult with the Architectural and Transportation Barriers Compliance Board established under section 792 of title 29, prior to issuing or amending any order, rule, regulation, or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped persons.

§ 1305. Federal preemption

(a) Preemption

(1) Except as provided in paragraph (2) of this subsection, no State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to rates, routes, or services of any air carrier having authority under subchapter IV of this chapter to provide air transportation.

[See main edition for text of (2); (b) to (d)]

(As amended Pub. L. 98-443, § 9(u), Oct. 4, 1984, 98 Stat. 1709.)

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-443 substituted "air transportation" for "interstate air transportation".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1306. Report on subsidiary cost-sharing

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1307. Safety study

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1308. Report on air carrier marketing of tours

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SUBCHAPTER II—CIVIL AERONAUTICS BOARD; GENERAL POWERS

§§ 1321 to 1323. Omitted

CODIFICATION

Sections were omitted pursuant to section 1551(a)(3) of this Appendix which provided that this subchapter (other than section 1324) shall cease to be in effect on Jan. 1, 1985.

Section 1321, Pub. L. 85-726, title II, § 201, Aug. 23, 1958, 72 Stat. 741; Pub. L. 88-426, title III, § 305(16)(A), Aug. 14, 1964, 78 Stat. 424, established the Civil Aeronautics Board as an agency of the United States, and set forth provisions relating to appointment, removal, qualifications, etc., of members of the Board.

Section 1322, Pub. L. 85-726, title II, § 202, Aug. 23, 1958, 72 Stat. 741; Pub. L. 87-367, title I, § 103(2), Oct. 4, 1961, 75 Stat. 787, related to duties, compensation, etc., of officers, employees, and temporary personnel of the Board.

Section 1323, Pub. L. 85-726, title II, § 203, Aug. 23, 1958, 72 Stat. 742; Pub. L. 87-810, § 5, Oct. 15, 1962, 76 Stat. 921, set forth provisions relating to authorized expenditures and travel by personnel of the Board, and acceptance and disposal of property.

§ 1324. General powers and duties of the Board

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all powers, duties, and functions of the Board were terminated or transferred by section 1551 of this Appendix, which provided in subsec. (a)(3) that this subchapter (other than section 1324) ceases to be in effect on Jan. 1, 1985, and provided in subsec. (b)(1)(E), (2), that all authority of the Board under this chapter not terminated under section 1551(a) on or before Jan. 1, 1985, and not otherwise transferred under section 1551(b) is transferred to the Department of Transportation, effective Jan. 1, 1985.

GUARANTY OF LOANS FOR PURCHASE OF AIRCRAFT AND EQUIPMENT; ISSUANCE BY SECRETARY OF TRANSPORTATION OF NOTES OR OTHER OBLIGATIONS; PURCHASE BY SECRETARY OF THE TREASURY

Pub. L. 99-190, § 101(e) [title I, § 101], Dec. 19, 1985, 99 Stat. 1267, 1273, provided that: "The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note) [set out as a note below]. The aggregate amount of such obligations during fiscal year 1986 shall not exceed $75,000,000. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act [31 U.S.C. 3101 et seq.], as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 98-473, title I, § 3101(l) [title I, § 101], Oct. 12, 1984, 98 Stat. 1944, 1950.

Pub. L. 98-78, title I, § 101, Aug. 15, 1983, 97 Stat. 458.

Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 339.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1551 of this Appendix.

§ 1325. Omitted

CODIFICATION

Section, Pub. L. 85-726, title II, § 205, Aug. 23, 1958, 72 Stat. 744, which related to annual reporting requirement of the Board and contents of such reports, was omitted pursuant to section 1551(a)(3) of this Appendix which provided that this subchapter (other than section 1324) shall cease to be in effect on Jan. 1, 1985.

SUBCHAPTER III—ORGANIZATION OF ADMINISTRATION; POWERS AND DUTIES OF ADMINISTRATOR

§ 1341. Federal Aviation Administration

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1354. Other powers and duties of Secretary of Transportation

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1356. Screening procedures for passengers; promulgation and amendment of regulations by Administrator; reports to Congress; exempted air transportation operations

(a) The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after August 5, 1974, or after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening only to the extent deemed necessary to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of screening procedures under this subsection and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least 30 days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than 30 days and notifies the Congress of his determination. Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1515(c) of this Appendix.

[*See main edition for text of* (b)]

(As amended Pub. L. 99-83, title V, § 551(b)(1), Aug. 8, 1985, 99 Stat. 225.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-83 added provisions relating to information described in section 1515 of this Appendix.

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section Referred to in Other Sections

This section is referred to in sections 1356a, 1358, 1511, 1515 of this Appendix.

§ 1356a. Security measures in foreign air transportation

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1356b. Authority to carry firearms and make arrests

The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(Pub. L. 99-83, title V, § 553(b), Aug. 8, 1985, 99 Stat. 226.)

Codification

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

§ 1357. Air transportation security

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1358. Airport security in Alaska; exemptions from requirements

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SUBCHAPTER IV—AIR CARRIER ECONOMIC REGULATION

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 1301, 1305, 1307, 1471, 1472, 1515 of this Appendix.

§ 1371. Certificate of public convenience and necessity

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(4)(A) of this Appendix provides that subsecs. (*l*) and (m) of this section (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on Jan. 1, 1985, except insofar as such subsections apply to the transportation of mail between two points both of which are within the State of Alaska.

Section 1551(a)(8) of this Appendix provides that subsecs. (*l*) and (m) of this section (to the extent such provisions apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on Jan. 1, 1989.

References to Certificates of Convenience and Necessity

Pub. L. 98-443, § 8, Oct. 4, 1984, 98 Stat. 1706, provided that: "Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958 [49 App. U.S.C. 1371, 1388]."

Section Referred to in Other Sections

This section is referred to in sections 1305, 1356, 1356a, 1358, 1375, 1377, 1378, 1386, 1388, 1389, 1482, 1482a, 1487, 1517, 1518, 1551, 1552 of this Appendix; title 39 section 5402.

§ 1371a. Suspension, modification, or revocation of certificate of public convenience and necessity or foreign air carrier permit; illegal importation of controlled substances

Notwithstanding any other provision of law, the Secretary of Transportation shall on and after August 15, 1985, in consultation with appropriate law enforcement and other agencies, reexamine immediately the fitness of any carrier which has violated laws and regulations of the United States pertaining to the illegal importation of controlled substances or has failed to adopt available measures to prevent the illegal importation of controlled substances into the United States aboard its aircraft, and shall, where appropriate, suspend, modify, or revoke the certificate of public convenience and necessity or foreign air carrier permit of such carrier.

(Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 352.)

Codification

Section was enacted as part of the Supplemental Appropriations Act, 1985, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

§ 1372. Permits to foreign air carriers

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356, 1377, 1461, 1508, 1551 of this Appendix.

§ 1373. Tariffs of air carriers

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(4)(B) of this Appendix provides that this section (to the extent it relates to interstate and overseas air transportation) and the authority of the Board with respect to this section (to the same extent) shall cease to be in effect on Jan. 1, 1985.

§ 1374. Rates for carriage of persons and property; duty to provide service, rates, and divisions; foreign air transportation rates; discrimination

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(4)(C) of this Appendix provides that this section (to the extent it relates to interstate and overseas air transportation) and the authority of the Board with respect to this section (to the same extent) shall cease to be in effect on Jan. 1, 1985, except insofar as this section requires air carriers to provide safe and adequate service.

§ 1375. Transportation of mail

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(4)(A) of this Appendix provides that subsecs. (b), (c), and (d) of this section (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on Jan. 1, 1985, except insofar as such subsections apply to the transportation of mail between two points both of which are within the State of Alaska.

Section 1551(a)(8) of this Appendix provides that subsecs. (b) to (d) of this section (to the extent such provisions apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on Jan. 1, 1989.

§ 1376. Rates for transportation of mail

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1376b. Carrier claims for compensation for transportation of mail or for small community air service

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1377. Accounts, records, and reports

[See main edition for text of (a) to (d)]

(e) Inspection of accounts and property

The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 1371, 1372, 1388, or 1389 of this Appendix that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this chapter, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 11343(c) of title 49.

(As amended Pub. L. 98-443, § 9(t), Oct. 4, 1984, 98 Stat. 1708.)

AMENDMENTS

1984—Subsec. (e). Pub. L. 98-443 substituted provision that the Board shall have access to all lands, buildings, and equipment of any carrier or foreign air carrier when necessary for a determination under section 1371, 1372, 1388, or 1389 of this Appendix that such carrier is fit, willing, and able for provision that the Board would at all times have access to all lands, buildings, and equipment of any air carrier or foreign air carrier.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(5)(A) of this Appendix provides that subsecs. (b) and (c) of this section and the authority of the Board with respect to such provisions shall cease to be in effect on Jan. 1, 1985.

§ 1378. Consolidation, merger, and acquisition of control

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(7) of this Appendix provides that this section and the authority of the Secretary of Transportation under this section (to the same extent) shall cease to be in effect on Jan. 1, 1989.

§ 1379. Interlocking relationships

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(7) of this Appendix provides that this section and the authority of the Secretary of Transportation under this section (to the same extent) shall cease to be in effect on Jan. 1, 1989.

§ 1380. Omitted

CODIFICATION

Section, Pub. L. 85-726, title IV, § 410, Aug. 23, 1958, 72 Stat. 769; Pub. L. 87-820, § 8, Oct. 15, 1962, 76 Stat. 936; Pub. L. 89-670, § 6(a)(3)(B), Oct. 15, 1966, 80 Stat. 937, which related to authority of the Civil Aeronautics Board over loans and financial aid and aircraft loan guarantees, was omitted pursuant to section 1551(a)(5)(B) of this Appendix, which provided that this section and the authority of the Board with respect thereto shall cease to be in effect on Jan. 1, 1985.

§ 1381. Methods of competition; incorporation by reference

(a) The Board may, upon its own initiative or upon complaint by any air carrier, foreign air carrier, or ticket agent, if it considers that such action by it would be in the interest of the public, investigate and determine whether any air carrier, foreign air carrier, or ticket agent has been or is engaged in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. If the Board shall find, after notice and hearing, that such air carrier, foreign air carrier, or ticket agent is engaged in such unfair or deceptive practices or unfair methods of competition, it shall order such air carrier, foreign air carrier, or ticket agent to cease and desist from such practices or methods of competition.

(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, to the extent such incorporation by reference is in accordance with regulations issued by the Board.

(As amended Pub. L. 98-443, § 7(a), Oct. 4, 1984, 98 Stat. 1706.)

AMENDMENTS

1984—Pub. L. 98-443 designated existing provisions as subsec. (a) and added subsec. (b).

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1382. Pooling and other agreements

[See main edition for text of (a) and (b)]

(c) Mutual aid agreements

[See main edition for text of (1)]

(2) No air carrier shall enter into any mutual aid agreement with any other air carrier, unless such air carrier files a true copy of such agreement with the Board and the Board approves such agreement pursuant to the provisions of this section. Notwithstanding subsection (a) of this section, the Board shall not approve any such agreement unless such agreement provides (A) that any air carrier will not receive payments for any period which exceed 60 per centum of the direct operating expenses during such period, (B) that benefits under the agreement are not payable for more than eight weeks during any labor strike, and that such benefits may not be for losses incurred during the first thirty days of any labor strike, and (C) that any party to such agreement will agree to submit the issues causing any labor strike to binding arbitration pursuant to the Railway Labor Act [45 U.S.C. 151 et seq.] if the striking employees request such binding arbitration.

[See main edition for text of (3)]

(As amended Pub. L. 98-443, § 9(s), Oct. 4, 1984, 98 Stat. 1708.)

AMENDMENTS

1984—Subsec. (c)(2). Pub. L. 98-443 substituted "subsection (a) of this section" for "subsection (c) of this section".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(6) of this Appendix provides that subsecs. (a) and (b) of this section (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Secretary of Transportation under those provisions (to the same extent) shall cease to be in effect on Jan. 1, 1989.

§ 1384. Antitrust exemption

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(6) of this Appendix provides that this section (to the extent it relates to orders made under section 1382(a) and (b) of this Appendix with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under this section (to the same extent) shall cease to be in effect on Jan. 1, 1989.

Section 1551(a)(7) of this Appendix provides that this section (relating to sections 1378 and 1379 of this Appendix) and the authority of the Secretary of Transportation under this section (to the same extent) shall cease to be in effect on Jan. 1, 1989.

§ 1385. Inquiry into air carrier management

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1386. Classification and exemption of carriers

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1387. Omitted

Codification

Section, Pub. L. 85-726, title IV, § 417, as added Pub. L. 87-528, § 6, July 10, 1962, 76 Stat. 145, which set forth the functions of the Civil Aeronautics Board for issuance, etc., of special operating authorizations, was omitted pursuant to section 1551(a)(5)(C) of this Appendix, which provided that this section and the authority of the Board with respect thereto shall cease to be in effect on Jan. 1, 1985.

§ 1388. Certificate for all-cargo air service

[*See main edition for text of* (*a*)]

(b) Issuance and revocation of certificate

[*See main edition for text of* (*1*) *and* (*2*)]

[(3) Repealed. Pub. L. 98-443, § 9(a)(2), Oct. 4, 1984, 98 Stat. 1706.]

[*See main edition for text of* (*4*); (*c*) *and* (*d*)]

(As amended Pub. L. 98-443, § 9(a)(2), Oct. 4, 1984, 98 Stat. 1706.)

Amendments

1984—Subsec. (b)(3). Pub. L. 98-443 struck out par. (3) which had provided that notwithstanding any other provision of this section, no certificate issued by the Board under this section could authorize all-cargo air service between any pair of points both of which are within the State of Alaska or the State of Hawaii.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

References to Certificates of Convenience and Necessity

Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board deemed to refer to a certificate issued under this section or section 1371 of this Appendix, see section 8 of Pub. L. 98-443, set out as a note under section 1371 of this Appendix.

Section Referred to in Other Sections

This section is referred to in section 1377 of this Appendix.

§ 1389. Small community air service

(a) Guaranteed essential air transportation

[*See main edition for text of* (*1*)]

(2) [*See main edition for text of* (*A*) *to* (*C*)]

(D) The Board may, after considering the views of any interested community, the territory of Guam and appropriate Federal agencies, determine what is the essential air transportation for Guam without regard to whether it is being served by more than one air carrier holding a certificate issued under section 1371 of this Appendix.

[*See main edition for text of* (*3*) *to* (*11*); (*b*)]

(c) Level of safety

(1) For purposes of this subsection the term "commuter air carrier" means an air carrier exempt from any requirement of this chapter under section 1386(b)(4) of this Appendix.

[*See main edition for text of* (*2*); (*d*) *to* (*g*)]

(As amended Pub. L. 98-213, § 10, Dec. 8, 1983, 97 Stat. 1461; Pub. L. 98-443, § 9(r), Oct. 4, 1984, 98 Stat. 1708.)

Amendments

1984—Subsec. (c)(1). Pub. L. 98-443 substituted "section 1386(b)(4) of this Appendix" for "section 1386(b)(3) of this Appendix".

1983—Subsec. (a)(2)(D). Pub. L. 98-213 added subpar. (D).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Air Service in Alaska

Section 16 of Pub. L. 98-443 provided:

"(a)(1) Notwithstanding any other provision of law, with respect to air transportation to each of the points in Alaska listed in paragraph (4), essential air transportation for purposes of section 419 of the Federal Aviation Act of 1958 [this section] shall neither be specified at a level of service nor operated with aircraft of lesser seating and cargo capacity than provided for in CAB Order 80-1-167 and its Appendices unless otherwise specified under an agreement between the Department of Transportation and the State of Alaska, after consultation with the community affected. This paragraph shall cease to be in effect on January 1, 1987.

"(2) Notwithstanding any other provision of law, the total amount of compensation which may be paid under section 419 of the Federal Aviation Act of 1958 [this section] with respect to the points in Alaska listed in paragraph (4) shall not exceed $3,572,778 for each of the fiscal years 1985 and 1986 and shall not exceed $893,195 for service provided during the period beginning October 1, 1986, and ending at the close of December 31, 1986.

"(3) The Secretary of Transportation shall study the feasibility of providing essential air transportation to each of the points in Alaska listed in paragraph (4) with aircraft having a smaller capacity than that required by paragraph (1), the level of compensation which would be required under section 419 of the Federal Aviation Act of 1958 [this section] for such transportation, and the impact of using such aircraft on the air transportation system in Alaska. The Secretary shall complete such study and submit a report of the results of such study to Congress not later than January 1, 1986.

"(4) The points in Alaska referred to in paragraphs (1), (2), and (3) are Cordova, Yakutak, Gustavus, Petersburg, and Wrangell.

"(b) Notwithstanding any other provision of law, no part of the order of the Civil Aeronautics Board in CAB docket number 38961 (CAB Order 84-6-77) shall enter into effect until after December 31, 1984."

Section Referred to in Other Sections

This section is referred to in sections 1306, 1376, 1376a, 1376b, 1377, 1386, 1551 of this Appendix; title 49 section 329.

SUBCHAPTER V—NATIONALITY AND OWNERSHIP OF AIRCRAFT

§ 1401. Registration of aircraft nationality

[*See main edition for text of* (*a*) *to* (*d*)]

(e) Suspension or revocation

(1) Any such certificate may be suspended or revoked by the Secretary of Transportation for any cause which renders the aircraft ineligible for registration.

(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

(i) such aircraft has been used to carry out an activity, or to facilitate an activity, that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance); and

(ii) the use of the aircraft was permitted by such owner with the knowledge that the aircraft was intended to be used for an activity described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to have permitted the use of an aircraft with knowledge that it was intended to be used for an activity described in clause (i) of this subparagraph only if a majority of the individuals who control such owner or who are involved in forming the major policy of such owner permitted the use of the aircraft with knowledge of such intended use. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under subparagraph (B) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

(B) Prior to revoking any certificate of registration under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of the certificate of registration an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate of registration is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1486 of this Appendix, and the Administrator shall be made a party to such proceedings.

(C) For purposes of this paragraph, the term "controlled substance" has the meaning given such term by section 802(6) of title 21.

(D) Except as provided in subparagraphs (E) and (F), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked under subparagraph (A) of this paragraph during the five-year period beginning on the date of such revocation.

(E) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

(F) In any case in which the Administrator has revoked the certificate of registration as a result of any activity and such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity, the Administrator shall issue a certificate of registration to such person if such person is otherwise qualified for such a certificate under this section.

[*See main edition for text of* (*f*)]

(As amended Pub. L. 98-499, § 4(a), Oct. 19, 1984, 98 Stat. 2314.)

AMENDMENTS

1984—Subsec. (e). Pub. L. 98-499 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1984 AMENDMENT

Section 7 of Pub. L. 98-499 provided that: "This Act and the amendments made by this Act [amending sections 1401, 1422, 1429, 1472, and 1903 of this Appendix] shall apply with respect to acts and violations occurring after the date of enactment of this Act [Oct. 19, 1984]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1903 of this Appendix; title 10 section 9512.

SUBCHAPTER VI—SAFETY REGULATION OF CIVIL AERONAUTICS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1355, 1471, 1472, 1481, 1515, 1655 of this Appendix; title 7 section 136q; title 49 section 106.

§ 1422. Airman certificates

[*See main edition for text of* (*a*)]

(b) Application; issuance or denial; petition for review; hearing; determination; issuance of certificates to aliens; revocation; exceptions

(1) Any person may file with the Secretary of Transportation an application for an airman certificate. If the Secretary of Transportation finds, after investigation, that such person possesses proper qualifications for, and is physically able to perform the duties pertaining to, the position for which the airman certificate is sought, he shall issue such certificate, containing such terms, conditions, and limitations as to duration thereof, periodic or special examinations, tests of physical fitness, and other matters as the Secretary of Transportation may determine to be necessary to assure safety in air commerce. Except in the case of persons whose certificates are, at the time of denial, under order of suspension or whose certificates have been revoked within one year of the date of such denial, any person whose application for the issuance or renewal of an airman certificate is denied may file with the National Transportation Safety Board a petition for review of the Secretary of Transportation's action. The National Transportation Safety Board shall thereupon assign such petition for hearing at a place convenient to the applicant's place of residence or employment. In the conduct of such hearing and in determining whether the airman meets the pertinent rules, regulations, or standards, the National Transportation Safety Board shall not be bound by findings of fact of the Secretary of Transportation. At the conclusion of such hearing, the National Transportation Safety Board shall issue its decision as to whether the airman meets the pertinent rules, regulations, and standards and the Secretary of Transportation shall be bound by such decision: *Provided*, That the Secretary of Transportation may, in his discretion, prohibit or restrict the issuance of airman certificates to aliens, or may make such issuance dependent on the terms of reciprocal agreements entered into with foreign governments.

(2)(A) Except as provided in subparagraphs (B) and (C), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked under subsection (c) of section 1429 of this Appendix during the five-year period beginning on the date of such revocation.

(B) The Administrator may issue an airman certificate to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

(C) In any case in which the Administrator has revoked an airman certificate of a person under section 1429(c)(1) or (2) of this Appendix as a result of any activity and—

(i) such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity; or

(ii) in the case of a revocation under section 1429(c)(1) of this Appendix, the judgment of conviction on which the revocation is based is reversed on appeal;

the Administrator shall issue an airman certificate to such person if such person is otherwise qualified to serve as an airman under this section.

[*See main edition for text of* (*c*)]

(As amended Pub. L. 98-499, § 3, Oct. 19, 1984, 98 Stat. 2313.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-499 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-499 applicable with respect to acts and violations occurring after Oct. 19, 1984, see section 7 of Pub. L. 98-499, set out as a note under section 1401 of this Appendix.

§ 1429. Reinspection or reexamination; amendment, suspension, or revocation of certification; controlled substances

[See main edition for text of (a) and (b)]

(c) Transportation, distribution, and other activities relating to controlled substances

(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance), if the Administrator determines that (A) an aircraft was used in the commission of the offense or to facilitate the commission of the offense, and (B) such person served as an airman, or was on board such aircraft, in connection with the commission of the offense or the facilitation of the commission of the offense. The Administrator shall have no authority under this paragraph to review the issue of whether an airman violated a State or Federal law relating to a controlled substance.

(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that (A) such person knowingly engaged in an activity that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), (B) an aircraft was used to carry out such activity or to facilitate such activity, and (C) such person served as an airman, or was on board such aircraft, in connection with such activity or the facilitation of such activity. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under paragraph (3) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

(3) Prior to revoking an airman certificate under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of such certificate an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within sixty days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1486 of this Appendix, and the Administrator shall be made a party to such proceedings.

(4) For purposes of this subsection, the term "controlled substance" has the meaning given such term by section 802(6) of title 21.

(As amended Pub. L. 98-499, § 2(a), Oct. 19, 1984, 98 Stat. 2312.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-449 added subsec. (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-499 applicable with respect to acts and violations occurring after Oct. 19, 1984, see section 7 of Pub. L. 98-499, set out as a note under section 1401 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1422, 1431, 1903 of this Appendix.

SUBCHAPTER VIII—OTHER ADMINISTRATIVE AGENCIES

§ 1461. President of the United States; suspension and rejection of rates in foreign air transportation

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

EXECUTIVE ORDER NO. 11920

Ex. Ord. No. 11920, June 10, 1976, 41 F.R. 23665, which provided for establishment of Executive branch procedures to facilitate review of submitted decisions, was revoked by Ex. Ord. No. 12547, Feb. 6, 1986, 51 F.R. 5029, set out as a note below.

EX. ORD. NO. 12547. ESTABLISHMENT OF PROCEDURES TO FACILITATE PRESIDENTIAL REVIEW OF INTERNATIONAL AVIATION DECISIONS SUBMITTED BY DEPARTMENT OF TRANSPORTATION

Ex. Ord. No. 12547, Feb. 6, 1986, 51 F.R. 5029, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 801 of the Federal Aviation Act, as amended (49 U.S.C. 1461) [49 App. U.S.C. 1461], and in order to provide Presidential guidance to department and agency heads and facilitate Presidential review of decisions submitted to the President for his review by the Department of Transportation pursuant to the Federal Aviation Act [49 App. U.S.C. 1301 et seq.], it is hereby ordered as follows:

SECTION 1. (a) Except as otherwise provided in this section, decisions of the Department of Transportation (hereinafter referred to as the "DOT") transmitted to the President pursuant to Section 801 of the

Federal Aviation Act, as amended, may be made available by the DOT for public inspection and copying following submission to the President.

(b) In the interests of national security, and in order to allow for consideration of appropriate action under Executive Order No. 12356 [set out as a note under 50 U.S.C. 401], decisions of the DOT transmitted to the President under Section 801 shall be withheld from public disclosure for a period not to exceed five days after submission to the President.

(c) At the same time that decisions of the DOT are submitted to the President pursuant to Section 801, the DOT shall transmit copies thereof to the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget and any other Executive department or agency that the DOT deems appropriate.

(d) The Secretary of State and the Secretary of Defense, or their designees, shall review the decisions of the DOT transmitted pursuant to subsection (c) above, and shall promptly advise the Assistant to the President for National Security Affairs or his designee, whether action pursuant to Executive Order No. 12356 is deemed appropriate. If, after considering these recommendations, the Assistant to the President for National Security Affairs determines that classification under Executive Order No. 12356 is appropriate, he shall take such action and immediately so inform the DOT. Action pursuant to this subsection shall be completed by the persons designated herein within five days of receipt of the decision by the President.

(e) On and after the sixth day following receipt by the President of a DOT decision submitted pursuant to Section 801, or upon earlier notification by the Assistant to the President for National Security Affairs or his designee, the DOT is authorized to disclose all unclassified portions of the text of such decision. Nothing in this section is intended to affect the ability to withhold material under any Executive Order or statute other than Section 801.

SEC. 2. (a) Departments and agencies outside of the Executive Office of the President shall raise only matters of national defense or foreign relations in the course of the Presidential review established by this Order. All other matters, including those related to regulatory policy, shall be presented to the DOT in accordance with the procedures of the DOT.

(b) Departments and agencies outside of the Executive Office of the President that identify matters of national defense or foreign relations while a decision is pending before the DOT shall, except as confidentiality is required for reasons of defense or foreign policy, make those matters known to the DOT in the course of its proceedings.

SEC. 3. (a) After transmitting a decision under Section 801 [49 App. U.S.C. 1461] to the President for review, the DOT shall obtain the recommendations, addressed to the President, of the departments and agencies referred to in section 1(c) of this Order.

(b) Departments or agencies outside of the Executive Office of the President making recommendations on matters of national defense or foreign relations with respect to any decision submitted by the DOT to the President under Section 801 shall submit their recommendations in writing to the DOT: (1) within four days of the DOT's issuance of a decision subject to a 10-day statutory review period under Section 801(b); and (2) within twenty-one days of the DOT's issuance of a decision subject to a 60-day statutory review period under Section 801(a), or in exceptional cases, within the period specified by the DOT in its letter of transmittal.

(c) The DOT shall, as soon as practical after the deadlines specified in section 3(b) of this Order: (1) if no recommendations are received from the departments and agencies specified in section 1(c) of this Order, transmit to the President, through the Assistant to the President for National Security Affairs, a memorandum stating that no department or agency advises disapproval of the decision; or (2) if recommendations are received, transmit them to the Assistant to the President for National Security Affairs, who upon review, shall transmit a memorandum to the President with a recommendation as to whether or not the President should disapprove the proposed decision.

SEC. 4. (a) In advising the President with respect to his review of a decision submitted to him pursuant to Section 801 [49 App. U.S.C. 1461], departments and agencies outside of the Executive Office of the President shall identify with particularity the defense or foreign policy implications of the DOT decision which are deemed appropriate for the President's consideration.

(b) If any department or agency which made recommendations to the President pursuant to Section 801 believes that, if the President decides not to disapprove a decision, the letter so advising the DOT should include a statement that the decision not to disapprove was based on national defense or foreign relations reasons, it should so indicate separately and explain why.

SEC. 5. Individuals within the Executive Office of the President shall follow a policy of: (a) refusing to discuss matters relating to the disposition of a case subject to the review of the President under Section 801 [49 App. U.S.C. 1461] with any interested private party, or an attorney or agent for any such party, prior to the President's decision; and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President. Exceptions to this policy may be made only when the head of an appropriate department or agency outside of the Executive Office of the President personally finds, on a nondelegable basis, that direct written or oral communication between a private party and a person within the Executive Office of the President is needed for reasons of defense or foreign policy.

SEC. 6. Departments and agencies outside of the Executive Office of the President which regularly make recommendations to the President in connection with the Presidential review pursuant to Section 801 [49 App. U.S.C. 1461] shall, consistent with application law, including the provisions of Chapter 5 of Title 5 of the United States Code:

(a) establish public dockets for all written communications (other than those requiring confidential treatment for defense or foreign policy reasons) between their officers and employees and private parties in connection with the preparation of such recommendations; and

(b) prescribe such other procedures governing oral and written communications as they deem appropriate.

SEC. 7. This Order is intended solely for the internal guidance of the departments and agencies in order to facilitiate the Presidential review process. This Order does not confer rights on any private parties.

SEC. 8. (a) None of the time deadlines specified in this Order shall be construed as a limitation on expedited Presidential review of any decision submitted under Section 801 [49 App. U.S.C. 1461].

(b) Executive Order No. 11920 of June 10, 1976, is revoked.

(c) The provisions of this Order shall become effective 30 days after its publication in the Federal Register.

RONALD REAGAN.

§ 1462. The Department of State

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SUBCHAPTER IX—PENALTIES

§ 1471. Civil penalties; notice and hearing; compromise; liens

(a) Generally

(1) Any person who violates (A) any provision of subchapter III, IV, V, VI, VII, or XII of this chapter or of section 1514 or 1515(e)(2)(B) of this Appendix or any rule, regulation, or order issued thereunder, or under section 1482(i) of this Appendix, or any term, condition, or limitation of any permit or certificate issued under subchapter IV of this chapter, or (B) any rule or regulation issued by the United States Postal Service under this chapter, shall be subject to a civil penalty of not to exceed $1,000 for each such violation, except that the amount of such civil penalty shall not exceed $10,000 for each such violation which relates to the transportation of hazardous materials. If such violation is a continuing one, each day of such violation shall constitute a separate offense. The amount of any such civil penalty which relates to the transportation of hazardous materials shall be assessed by the Secretary, or his delegate, upon written notice upon a finding of violation by the Secretary, after notice and an opportunity for a hearing. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. The amount of any such civil penalty for any violation of any provision of subchapter IV of this chapter, or any rule, regulation, or order issued thereunder, or under section 1482(i) of this Appendix, or any term, condition, or limitation of any permit or certificate issued under subchapter IV of this chapter shall be assessed by the Board only after notice and an opportunity for a hearing and after written notice upon a finding of violation by the Board. Judicial review of any order of the Board assessing such a penalty may be obtained only pursuant to section 1486 of this Appendix. This subsection shall not apply to members of the Armed Forces of the United States, or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official duties; and the appropriate military authorities shall be responsible for taking any necessary disciplinary action with respect thereto and for making to the Secretary of Transportation or Board, as appropriate, a timely report of any such action taken.

(2) Any civil penalty may be compromised by the Secretary of Transportation in the case of penalties provided for in subsections (c) and (d) of this section or violations of subchapters III, V, VI, or XII of this chapter, or any rule, regulation, or order issued thereunder, or by the National Transportation Safety Board in the case of violations of subchapter VII of this chapter or any rule, regulation, or order issued thereunder, or by the United States Postal Service in the case of regulations issued by it. The amount of such penalty when finally determined or fixed by order of the Board, or the amount agreed upon in compromise, may be deducted from any sums which the United States owes to the person charged.

[*See main edition for text of* (b)]

(c) False information

Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (*l*) of section 1472 of this Appendix, shall be subject to a civil penalty of not more than $10,000 which shall be recoverable in a civil action brought in the name of the United States.

(d) Carrying weapons

Except for law enforcement officers of any municipal or State government or officers or employees of the Federal Government, who are authorized or required within their official capacities to carry arms, or other persons who may be so authorized under regulations issued by the Administrator, whoever while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than $10,000 which shall be recoverable in a civil action brought in the name of the United States.

(As amended Pub. L. 98-473, title II, § 2014(a)(1), (b), Oct. 12, 1984, 98 Stat. 2189; Pub. L. 99-83, title V, § 551(b)(2), Aug. 8, 1985, 99 Stat. 225.)

Amendments

1985—Subsec. (a)(1). Pub. L. 99-83 inserted reference to section 1515(e)(2)(B) of this Appendix.

1984—Subsec. (a)(2). Pub. L. 98-473, § 2014(b), added "penalties provided for in subsections (c) and (d) of this section or" after "Secretary of Transportation in the case of".

Subsecs. (c), (d). Pub. L. 98-473, § 2014(a)(1), added subsecs. (c) and (d).

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 2015 of Pub. L. 98-473, set out as a note under section 31 of Title 18, Crimes and Criminal Procedure.

Termination of Civil Aeronautics Board; Transfer of Functions; Termination of Authority

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1472. Criminal penalties

[*See main edition for text of* (*a*)]

(b) Forgery of certificates and false marking of aircraft

(1) Except as provided in paragraph (2), any person who knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this chapter, or knowingly sells, uses, attempts to use, or possesses with the intent to use any such fraudulent certificate, and any person who knowingly and willfully displays or causes to be displayed on any aircraft, any marks that are false or misleading as to the nationality or registration of the aircraft, shall be subject to a fine of not exceeding $1,000 or to imprisonment not exceeding three years, or to both such fine and imprisonment.

(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with the commission of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

(C) For purposes of this paragraph, the term "controlled substance" has the meaning given such term by section 802(6) of title 21.

[*See main edition for text of* (*c*) *to* (*k*)]

(*l*) Carrying weapons, loaded firearms, and explosives or incendiary devices aboard aircraft

(1) With respect to any aircraft in, or intended for operation in air transportation or intrastate air transportation, whoever—

[*See main edition for text of* (*A*) *to* (*C*)]

shall be fined not more than $10,000 or imprisoned not more than one year, or both.

(2) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

[*See main edition for text of* (*3*) *and* (*4*)]

(m) False information and threats

(1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), (k), or (*l*) of this section, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

(2) Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by subsection (i), (j), (k), or (*l*) of this section with an apparent determination and will to carry the threat into execution shall be fined not more than $25,000 or imprisoned not more than five years, or both.

[*See main edition for text of* (*n*) *to* (*p*)]

(q) Transporting controlled substances without airman certificate

Any person who knowingly and willfully serves in any capacity as an airman without an airman certificate authorizing him to serve in such capacity, in connection with the transportation by aircraft of any controlled substance, where (1) such transportation is punishable by death or imprisonment for a term exceeding one year under a State or Federal law or is provided in connection with any act that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), and (2) such person has knowledge of such transportation, shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment. For purposes of this subsection, the term "controlled substance" has the meaning given such term by section 802(6) of title 21.

(As amended Pub. L. 98-473, title II, § 2014(c), (d)(1), Oct. 12, 1984, 98 Stat. 2189, 2190; Pub. L. 98-499, §§ 5(a), 6, Oct. 19, 1984, 98 Stat. 2315, 2316.)

Amendment of Section

Pub. L. 98-473, title II, §§ 232A, 235(a)(1), Oct. 12, 1984, 98 Stat. 2031, as amended, provided that, effective on the first day of the first calendar month beginning 36 months after the date of enactment (Nov. 1, 1987), this section is amended by inserting "notwithstanding the provisions of section 3559(b) of title 18," before "if" in subsecs. (i)(1)(B) and (n)(1)(B). See Effective Date note set out under section 3551 of Title 18, Crimes and Criminal Procedure.

Amendments

1984—Subsec. (b). Pub. L. 98-499, § 6, designated existing provisions as par. (1), substituted "Except as provided in paragraph (2), any person who" for "Any person who", substituted "sells, uses, attempts to use or possesses with the intent to use" for "uses or attempts to use" before "any such fraudulent certificate", and added par. (2).

Subsec. (*l*)(1). Pub. L. 98-473, § 2014(c)(1), substituted "$10,000" for "$1,000".

Subsec. (*l*)(2). Pub. L. 98-473, § 2014(c)(2), substituted "$25,000" for "$5,000".

Subsec. (m)(1). Pub. L. 98-473, § 2014(d)(1), substituted provisions making it unlawful to willfully and maliciously or with reckless disregard for the safety of human life, impart or convey false information concerning an act prohibited under subsecs. (i) to (*l*) of this section and providing for a $25,000 maximum fine or imprisonment for not more than five years or both for former provisions which also made it unlawful to impart such information and provided for a fine of not more than $1,000 or imprisonment for not more than one year or both.

Subsec. (m)(2). Pub. L. 98-473, § 2014(d)(1), substituted provisions making it unlawful to convey or impart a threat to do an act which would be a felony under subsecs. (i) to (*l*) of this section and providing for penalties therefor for former provisions which made it unlawful to willfully and maliciously or with reckless disregard for human life impart or convey information regarding acts prohibited under subsecs. (i) to (*l*) of this section and providing for penalties therefor.

Subsec. (q). Pub. L. 98-499, § 5(a), added subsec. (q).

EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98-499 applicable with respect to acts and violations occurring after Oct. 19, 1984, see section 7 of Pub. L. 98-499 set out as a note under section 1401 of this Appendix.

Amendment by section 2014 of Pub. L. 98-473 effective Oct. 12, 1984, see section 2015 of Pub. L. 98-473, set out as a note under section 31 of Title 18, Crimes and Criminal Procedure.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

Section 1551(a)(5)(D) of this Appendix provides that subsecs. (d), (e), (g), (h), and (i) of this section (and the authority of the Board with respect to such provisions) shall cease to be in effect on Jan. 1, 1985, except insofar as any of such provisions relate to foreign air transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1357, 1471, 1473 of this Appendix; title 7 section 136q; title 18 sections 3556, 3579.

§ 1473. Venue and prosecution of offenses; procedures in respect of civil and aircraft piracy penalties

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SUBCHAPTER X—PROCEDURE

§ 1482. Complaints to and investigations by Secretary of Transportation and Board

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1482a. Uniform method of establishment of joint fares

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1483. Joint Boards

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1484. Evidence

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1485. Orders, notices, and service

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1486. Judicial review

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1371, 1401, 1429, 1461, 1471 of this Appendix.

§ 1487. Judicial enforcement; jurisdiction; application; costs

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1488. Participation by Board or Secretary of Transportation in court proceedings

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the

Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1489. Joinder of parties; intervention

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1490. Time requirements

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SUBCHAPTER XI—MISCELLANEOUS

§ 1502. International agreements

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1482, 1514, 1515, 1517 of this Appendix.

§ 1503. Documents as evidence

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1504. Public disclosure of information

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1505. Cooperation with Government agencies

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1508. Declaration of national sovereignty in air space; operation of foreign aircraft

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1509. Application of existing laws relating to foreign commerce

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1474 of this Appendix; title 19 section 1644.

§ 1510. Geographical extension of jurisdiction

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1513. State taxation of air commerce

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1514. Suspension of air services by President; grounds; authority of President deemed condition to issuance of certificate of public convenience and necessity, etc.; unlawful activities

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1471, 1487, 1515 of this Appendix.

§ 1515. Security standards in foreign air transportation

(a) Assessment of security measures

(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security

measures at such airport based upon, at a minimum, the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation, as those standards and recommended practices are in effect on the date of such assessment.

(b) Consultation with Secretary of State

In carrying out subsection (a) of this section, the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

(c) Report of assessments

Each report to the Congress required by section 1356 of this Appendix shall contain a summary of the assessments conducted pursuant to subsection (a) of this section.

(d) Notification to foreign country of determination

Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary (after advising the Secretary of State) shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

(e) Notice and sanctions

(1) Paragraph (2) of this subsection shall become effective—

(A) 90 days after notification to the foreign government pursuant to subsection (d) of this section, if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section; or

(B) immediately upon the Secretary of Transportation's determination under subsection (d) of this section if the Secretary of Transportation determines, after consultation with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

The Secretary of Transportation shall immediately notify the Secretary of State of any determination made pursuant to subparagraph (B) so that the Secretary of State may comply with the requirement of section 1515(a) of this Appendix that a travel advisory be issued.

(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures—

(A) the Secretary of Transportation—

(i) shall publish the identity of such airport in the Federal Register,

(ii) shall cause the identity of such airport to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, and

(iii) shall notify the news media of the identity of such airport;

(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1502 of this Appendix and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

(3) The Secretary of Transportation shall promptly submit to the Congress a report (with a classified annex if necessary) on any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of the airport under subsection (a) of this section.

(f) Lifting of sanctions

(1) The sanctions required to be imposed with respect to an airport pursuant to subsection (e)(2)(A) and (B) of this section may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at that airport.

(2) The Congress shall be notified if any sanction imposed pursuant to subsection (e) of this section is lifted.

(g) Authority for immediate suspension of air service

Notwithstanding sections 1502 and 1514 of this Appendix, whenever the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

(2) the public interest requires an immediate suspension of services between the United States and the identified airport,

the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

(h) Conditions of authority

The provisions of this section shall be deemed to be a condition to any authority granted under subchapter IV or subchapter VI of this chapter to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.

(As amended Pub. L. 99-83, title V, § 551(a) Aug. 8, 1985, 99 Stat. 222.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-83 amended subsec. (a) generally, substituting provisions relating to authority of the Secretary of Transportation with respect to assessment of security measures, for provisions relating to notice by the Secretary of State to foreign nations of security measures below minimum standards.

Subsec. (b). Pub. L. 99-83 amended subsec. (b) generally, substituting provisions relating to consultative requirements of the Secretary of Transportation with the Secretary of State, for provisions relating to determinations by the Secretary of Transportation and notice to foreign nations of security measures below minimum standards and necessary remedial measures, and the effect of failure to implement remedial measures.

Subsecs. (c) to (h). Pub. L. 99-83, in amending section generally, added subsecs. (c) to (h).

EFFECTIVE DATE OF 1985 AMENDMENT

Section 559 of Pub. L. 99-83 provided that: "This part [part B of titel V (§§ 551 to 559) of Pub. L. 99-83, enacting sections 1356b and 1515a of this Appendix, amending sections 1356, 1471, and 1515 of this Appendix, and enacting provisions set out as a note under this section] shall take effect on the date of enactment of this Act [Aug. 8, 1985]."

MULTILATERAL AND BILATERAL AGREEMENTS WITH RESPECT TO AIRCRAFT SABOTAGE, AIRCRAFT HIJACKING, AND AIRPORT SECURITY

Section 556 of Pub. L. 99-83 provided that: "The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance with respect to aircraft sabotage, aircraft hijacking, and airport security."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356, 1471, 1515a of this Appendix.

§ 1515a. Travel advisory and suspension of foreign assistance

(a) Travel advisory

Upon being notified by the Secretary of Transportation that the Secretary has determined, pursuant to subsection (e)(1)(B) of section 1515 of this Appendix that a condition exists that threatens the safety or security of passengers, aircraft, or crew travelling to or from a foreign airport which the Secretary of Transportation has determined pursuant to that section to be an airport which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that airport. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) Suspension of foreign assistance

The President shall suspend all assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any country in which is located an airport with respect to which section 1515(e)(2) of this Appendix becomes effective if the Secretary of State determines that such country is a high terrorist threat country. The President may waive the requirements of this subsection if the President determines and reports to the Congress that national security interests or a humanitarian emergency require such waiver.

(c) Lifting sanctions

The sanctions required to be imposed pursuant to this section may be lifted only if, pursuant to section 1515(f) of this Appendix, the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the airport with respect to which the Secretary of Transportation had made the determination described in section 1515 of this Appendix.

(d) Notification to Congress

The Congress shall be notified if any sanction imposed pursuant to this section is lifted.

(Pub. L. 99-83, title V, § 552, Aug. 8, 1985, 99 Stat. 226.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified generally to chapter 32 (§ 2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1515 of this Appendix.

§ 1516. Property not lawfully transportable in aircraft cabin transported as baggage; liability of air carrier for loss or damage; terms and conditions of liability

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1517. Transportation of government-financed passengers and property

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1519. Aeronautical charts and maps

Notwithstanding the provisions of section 1341 of title 31 or any other provision of law, the United States Government shall enter into agreements to indemnify any person who publishes a chart or map for use in aeronautics from any claim, or portion of a claim, which arises out of such person's depiction on such chart or map of any defective or deficient flight procedure or airway, if such flight procedure or airway was—

(1) promulgated by the Federal Aviation Administration;

(2) accurately depicted on such chart or map; and

(3) not obviously defective or deficient.

(Pub. L. 85-726, title XI, § 1118, as added Pub. L. 99-190, § 101(e) [title III, § 328(a)], Dec. 19, 1985, 99 Stat. 1267, 1289.)

SUBCHAPTER XIII—AVIATION INSURANCE

§ 1537. Administrative provisions

(a) Issuance of policies; rules and regulations; settlement of claims

The Secretary, in the administration of this subchapter, may issue such policies, rules, and regulations as he deems proper and, subject to the following provisions of this subsection, may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement agreed upon, in respect of any claim under insurance authorized by this subchapter. In the case of any aircraft which is insured under the provisions of this subchapter, (1) the policy shall specify a stated amount to be paid in the event of total loss, and such stated amount shall not exceed an amount determined by the Secretary to represent the fair and reasonable value of the aircraft, and (2) the amount of any claim which is compromised, settled, adjusted, or paid shall in no event exceed such stated amount.

[*See main edition for text of* (*b*) *to* (*f*)]

(As amended Pub. L. 98-443, § 9(b), Oct. 4, 1984, 98 Stat. 1706.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-443 struck out ", after consultation with the Civil Aeronautics Board," after "determined by the Secretary".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER XIV—CHANGES IN REGULATORY STRUCTURE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1556 of this Appendix.

§ 1551. Termination of Civil Aeronautics Board and transfer of certain functions

(a) Termination of authority

[*See main edition for text of* (*1*) *and* (*2*)]

(3) Subchapter II of this chapter (other than section 1324 of this Appendix) shall cease to be in effect on January 1, 1985.

(4) The following provisions of this chapter (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

(A) Sections 1371(*l*) and (m) and 1375(b), (c), and (d) of this Appendix (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

(B) Section 1373 of this Appendix.

(C) Section 1374 of this Appendix (except insofar as such section requires air carriers to provide safe and adequate service).

(5) The following provisions of this chapter and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

(A) Sections[1] 1377(b) and (c) of this Appendix.

(B) Section 1380 of this Appendix.

(C) Section 1387 of this Appendix.

(D) Sections[1] 1482(d), (e), (g), (h), and (i) of this Appendix (except insofar as any of such sections relate to foreign air transportation).

(6) Sections[1] 1382(a) and (b) of this Appendix (to the extent such sections relate to interstate and overseas air transportation) and section 1384 of this Appendix (to the extent such section relates to orders made under sections[2] 1382(a) and (b) of this Appendix with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

(7) Sections 1378 and 1379 of this Appendix and section 1384 of this Appendix (relating to such sections 1378 and 1379 of this Appendix) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

(8) Sections 1371(*l*) and (m) and 1375(b), (c), and (d) of this Appendix (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.

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[1] So in original. Probably should be "Section".

[2] So in original. Probably should be "section".

(b) Transfer of certain authority

(1) The following authority of the Board is transferred to the following Federal departments and instrumentalities:

[*See main edition for text of* (*A*) *and* (*B*)]

(C) The authority of the Board under sections 1378 and 1379 of this Appendix, the authority of the Board under section 1382 of this Appendix, and the authority of the Board under section 1384 of this Appendix (relating to such sections 1378, 1379 and 1382 of this Appendix) is transferred to the Department of Transportation.

(D) The authority of the Board under this chapter with respect to the determination of the rates for the carriage of mails in interstate and overseas air transportation (other than for the carriage of mails between any two points both of which are within the State of Alaska) is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding.

(E) All authority of the Board under this chapter which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.

[*See main edition for text of* (2)]

(3) The authority of the Secretary of Transportation under this chapter with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.

[*See main edition for text of* (*c*) *to* (*e*)]

(As amended Pub. L. 98-443, § 3, Oct. 4, 1984, 98 Stat. 1703.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (2), (4), (5), (b)(1)(B), (D), (E), (3), and (c) to (e), was in the original "this Act", meaning Pub. L. 85-726, Aug. 23, 1958, 72 Stat. 731, as amended, known as the Federal Aviation Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this Appendix and Tables.

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-443, § 3(b), inserted "(other than section 1324 of this Appendix)" after "of this chapter".

Subsec. (a)(4) to (8). Pub. L. 98-443, § 3(c), added pars. (4) to (8).

Subsec. (b)(1)(C). Pub. L. 98-443, § 3(a), substituted "Transportation" for "Justice".

Subsec. (b)(1)(D). Pub. L. 98-443, § 3(d), added exception for the carriage of mails between any two points both of which are within the State of Alaska.

Subsec. (b)(1)(E). Pub. L. 98-443, § 3(e), added subpar. (E).

Subsec. (b)(3). Pub. L. 98-443, § 3(f), added par. (3).

REPORTS TO CONGRESSIONAL COMMITTEES BY SECRETARY OF TRANSPORTATION AND POSTMASTER GENERAL

Section 6 of Pub. L. 98-443 provided that:

"(a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958 [section 1378 of this Appendix], (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act [section 1379 of this Appendix], and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act [section 1382 of this Appendix], and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act [section 1384 of this Appendix]. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 [sections 1378, 1379, 1382, and 1384 of this Appendix] should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

"(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1554, 1555, 1556 of this Appendix.

§ 1552. Employee protection program

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 1553. Transfer of functions under other laws

(a) Transfer of functions, powers, and duties of Board to Secretary of Transportation

There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C.[4] 1159b).

(2) The International Aviation Facilities Act (49 U.S.C.[4] 1151-1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692*l*(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

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[4] See 49 App. U.S.C.

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39 (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) Effective date of transfer

The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) Authority of Secretary of Transportation respecting air transportation wholly within State of Alaska

The authority of the Secretary of Transportation under section 5402 of title 39 with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

(Pub. L. 98-443, § 4, Oct. 4, 1984, 98 Stat. 1704.)

REFERENCES IN TEXT

The International Aviation Facilities Act, referred to in subsec. (a)(2), is act June 16, 1948, ch. 473, 62 Stat. 450, as amended, which is classified generally to chapter 15 (§ 1151 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 1151 of this Appendix and Tables.

The Animal Welfare Act, referred to in subsec. (a)(3), is Pub. L. 89-544, Aug. 24, 1966, 80 Stat. 350, as amended, which is classified generally to chapter 54 (§ 2131 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2131 of Title 7 and Tables.

CODIFICATION

Section was enacted as part of the Civil Aeronautics Board Sunset Act of 1984, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1554, 1555, 1556 of this Appendix.

§ 1554. Transfers and allocations of appropriations and personnel

(a) Transfer of personnel, assets, liabilities, contracts, etc.; allocation; use of funds

The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix, subject to section 1531 of title 31, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred, or transferred in accordance with any other lawful authority, shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) Authority of Director of Office of Management and Budget; determinations; incidental disposition of personnel, assets, etc.; resolution of disputes between Board and transferee agencies

In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] and section 1553 of this Appendix, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] and section 1553 of this Appendix.

(c) Joint planning between Chairman of Civil Aeronautics Board and Secretary of Transportation

The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after October 4, 1984, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] and section 1553 of this Appendix.

(Pub. L. 98-443, § 10, Oct. 4, 1984, 98 Stat. 1709.)

CODIFICATION

Section was enacted as part of the Civil Aeronautics Board Sunset Act of 1984, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1555 of this Appendix.

§ 1555. Effect on personnel

(a) Employees covered by the merit pay system under chapter 54 of title 5 who are transferred under section 1554 of this Appendix to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of title 5. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of title 5 as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(Pub. L. 98-443, § 11, Oct. 4, 1984, 98 Stat. 1709.)

CODIFICATION

Section was enacted as part of the Civil Aeronautics Board Sunset Act of 1984, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

§ 1556. Savings provisions

(a) Continued force and effect of prior orders, determinations, rules, regulations, permits, etc.

All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) Effect of transfers of function on pending administrative proceedings; discontinuance or modification

The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] and section 1553 of this Appendix shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) [49 App. U.S.C. 1551(b)] and 1553 of this Appendix had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) [49 App. U.S.C. 1551(b)] and 1553 of this Appendix had not been enacted.

(c) Effect of transfers of function on prior judicial proceedings

Except as provided in subsection (e) of this section—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] and section 1553 of this Appendix had not been enacted.

(d) Abatement of actions and proceedings by or against Civil Aeronautics Board or officer thereof

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix.

(e) Continuation of action by or against transferee agency

If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) References to Civil Aeronautics Board to be deemed references to transferee agency

With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or by section 1553 of this Appendix and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551]) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) Head of transferee agency; authority; force and effect of administrative action

In the exercise of any function transferred under section 1601(b) of the Federal Aviation

Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) Operational continuity of transferred functions

In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1551(b)] or section 1553 of this Appendix, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

(Pub. L. 98-443, § 12, Oct. 4, 1984, 98 Stat. 1710.)

REFERENCES IN TEXT

The Federal Aviation Act of 1958, referred to in subsec. (*f*), is Pub. L. 85-726, Aug. 23, 1958, 72 Stat. 731, as amended. Title XVI of that Act is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this Appendix and Tables.

CODIFICATION

Section was enacted as part of the Civil Aeronautics Board Sunset Act of 1984, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

§ 1557. "Agency" and "function" defined

For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5; and

(2) the term "function" means a function, power, or duty.

(Pub. L. 98-443, § 13, Oct. 4, 1984, 98 Stat. 1711.)

REFERENCES IN TEXT

This Act, referred to in text, is the Civil Aeronautics Board Sunset Act of 1984, Pub. L. 98-443, Oct. 4, 1984, 98 Stat. 1703. For complete classification of this Act to the Code, see Short Title of 1984 Amendments note set out under section 1301 of this Appendix and Tables.

CODIFICATION

Section was enacted as part of the Civil Aeronautics Board Sunset Act of 1984, and not as part of the Federal Aviation Act of 1958 which comprises this chapter.

CHAPTER 21—URBAN MASS TRANSPORTATION

§ 1601c. Repealed. Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8

Section, Pub. L. 97-424, title III, § 310, Jan. 6, 1983, 96 Stat. 2151, required the Secretary of Transportation to report to Congress in January of 1984 and in every second January thereafter his estimates of the current performance and condition of the public mass transportation system together with recommendations for administrative or legislative revisions and an assessment of public transportation facilities and future needs of such facilities. See section 308(e) of Title 49, Transportation.

§ 1602. Federal financial assistance

BUY AMERICA

For provisions prohibiting the obligation after Jan. 6, 1983, of funds that had been authorized to be appropriated to carry out this chapter and which would be administered by the Department of Transportation, unless steel and manufactured products used in the project are produced in the United States, see section 165 of Pub. L. 97-424, as amended, set out as a note under section 101 of Title 23, Highways.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602-1, 1602a, 1603, 1604, 1606, 1607a, 1607a-1, 1608, 1609, 1610, 1612, 1614, 1617 of this Appendix; title 23 sections 103, 142; title 42 sections 3013, 3338.

§ 1603. Long-range program

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 340, provided in part that: "Notwithstanding any other provision of law, the effective date of section 302(b) of Public Law 97-424 [amending subsec. (a) of this section] is October 1, 1983."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1604, 1605, 1607a, 1617 of this Appendix.

§ 1604. Urban mass transit grant program

(a) Grants for construction or operating assistance; apportionment of funds; authorization of appropriations

[*See main edition for text of (1) and (2)*]

(3)(A) To make grants for construction and operating assistance projects under this subsection involving commuter rail or other fixed guideway systems, the Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

[*See main edition for text of (i) and (ii)*]

Sums apportioned under this paragraph shall be available for expenditure only for construction or operating assistance projects involving commuter rail or other fixed guideway systems, except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment.

[*See main edition for text of (B), (4)*]

(b) Designation of recipients to receive and dispense funds; annual report to Secretary

[*See main edition for text of (1)*]

(2) Sums apportioned under subsection (a) of this section not made available for expenditure by designated recipients in accordance with the terms of paragraph (1) of this subsection shall

be made available to the Governor for expenditures in urbanized areas or parts thereof in accordance with the planning process required under section 1607 of this Appendix and shall be fairly and equitably distributed. Any funds apportioned for fiscal year 1982 or 1983 under subsection (a) of this section for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.

(c) Grants, contracts, etc., obligations for financing grants; maximum amount; authorization of appropriations for liquidation of obligations; additional appropriations available for apportionment; availability of apportioned sums for obligation; lapse of apportionments

[*See main edition for text of (1) to (3)*]

(4) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three years following the close of the fiscal year for which such sums are apportioned except that any fiscal year 1982 funds made available to a Governor under subsection (b)(2) of this section that are unobligated as of October 1, 1985, or become unobligated thereafter, shall remain available for expenditure under this section until October 1, 1986. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year, except that any funds authorized by subsec. (a)(3) and (4) of this section which are so reapportioned shall remain subject to the limitations applicable to the original apportionment of such funds.

[*See main edition for text of (5); (d) to (o)*]

(As amended Pub. L. 98-396, title I, § 101, Aug. 22, 1984, 98 Stat. 1400; Pub. L. 99-190, § 101(e) [title III, § 317], Dec. 19, 1985, 99 Stat. 1267, 1286.)

AMENDMENTS

1985—Subsec. (b)(2). Pub. L. 99-190, § 101(e) [title III, § 317(a)], added provision directing that any funds apportioned for fiscal year 1982 or 1983 under subsection (a) of this section for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more.

Subsec. (c)(4). Pub. L. 99-190, § 101(3) [title III, § 317(b)], added provision directing that fiscal year 1982 funds made available to a Governor under subsection (b)(2) of this section that are unobligated as of Oct. 1, 1985, or become unobligated thereafter, shall remain available for expenditure under this section until Oct. 1, 1986.

1984—Subsec. (a)(3)(A). Pub. L. 98-396 added provision that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment.

REAPPORTIONMENT OF UNOBLIGATED FISCAL YEAR 1982 FUNDS

Funds available for reapportionment pursuant to subsec. (c)(4) to be reapportioned under section 1607a of this Appendix within 60 days of Dec. 19, 1985, see section 101(e) of Pub. L. 99-190, set out as a note under section 1607a of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1603, 1607a, 1608, 1611, 1613 of this Appendix.

§ 1607a. Block grants

REAPPORTIONMENT OF UNOBLIGATED FISCAL YEAR 1982 FUNDS

Pub. L. 99-190, § 101(e) [title III, § 318], Dec. 19, 1985, 99 Stat. 1267, 1286, provided that: "Notwithstanding any other provision of law, within 60 days of the effective date of this Act [Dec. 19, 1985] the Urban Mass Transportation Administration shall reapportion under section 9 of the Urban Mass Transportation Act of 1964, as amended [49 App. U.S.C. 1607a], those funds available for reapportionment pursuant to subsection (c)(4) of section 5 of that Act [49 App. U.S.C. 1604(c)(4)]."

§ 1608. General provisions

REFERENCES IN TEXT

Subsection (c)(2) of section 1749a of title 12, referred to in subsec. (a), was repealed and subsec. (c)(3) was redesignated (c)(2) by Pub. L. 98-479, title II, § 201(d)(1), Oct. 17, 1984, 98 Stat. 2228.

§ 1612. Planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped

[*See main edition for text of (a)*]

(b) Grants and loans for special projects to meet needs of elderly and handicapped persons

In addition to the grants and loans otherwise provided for under this chapter, the Secretary is authorized to make grants and loans—

[*See main edition for text of (1) and (2)*]

Of the total amount authorized to be appropriated pursuant to section 1617(a)(2) of this Appendix, 3.5 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

[*See main edition for text of (c)*]

(Pub. L. 88-365, § 16, as added Pub. L. 91-453, § 8, Oct. 15, 1970, 84 Stat. 967, and amended Pub. L. 93-87, title III, § 301(g), Aug. 13, 1973, 87 Stat. 295; Pub. L. 95-599, title III, § 311, Nov. 6, 1978, 92 Stat. 2748; Pub. L. 97-424, title III, § 317(a), (c), Jan. 6, 1983, 96 Stat. 2153.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 97-424, § 317(a), substituted "section 1617(a)(2) of this Appendix, 3.5 per centum" for "section 1603(c)(3) of this Appendix, 2 per centum".

EFFECTIVE DATE OF 1983 AMENDMENT

Section 317(b) of Pub. L. 97-424 provided that: "The amendment made by subsection (a) of this section [amending subsec. (b) of this section] shall take effect October 1, 1983."

§ 1614. Formula grant program for areas other than urbanized areas

[See main edition for text of (a) to (d)]

(e) Federal share of construction projects

The Federal share under this chapter for any construction project under this section shall not exceed 80 per centum of the net cost of such construction project, as determined by the Secretary. The Federal share under this chapter for any project for the payment of subsidies for operating expenses, as defined by the Secretary, shall not exceed 50 per centum of the net cost of such operating expense project. At least 50 per centum of the remainder shall be provided in cash, from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital. For the purpose of this subsection, the term "Federal funds or revenues" does not include funds received by a recipient of funds under this section pursuant to a service agreement with a State or local social service agency or a private social service organization.

[See main edition for text of (f) and (g)]

(As amended Pub. L. 99-190, § 101(e) [title III, § 326], Dec. 12, 1985, 99 Stat. 1267, 1289.)

AMENDMENTS

1985—Subsec. (e). Pub. L. 99-190 added provision directing that, for purposes of this subsection, the term "Federal funds or revenues" does not include funds received by a recipient of funds under this section pursuant to a service agreement with a State or local social service agency or a private social service organization.

§ 1617. Authorization of appropriations

DISCRETIONARY GRANTS PROGRAM OF URBAN MASS TRANSPORTATION ADMINISTRATION; LIMITATION ON OBLIGATIONS

Pub. L. 99-190, § 101(e) [title III, § 322], Dec. 19, 1985, 99 Stat. 1267, 1287, provided that: "The limitation on obligations for the Discretionary Grants Program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended [49 App. U.S.C. 1617(a)(2)(B)], previously made available for obligation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1607a, 1607a-1, 1612, 1614 of this Appendix; title 26 section 9503.

CHAPTER 23—DEPARTMENT OF TRANSPORTATION

§ 1654a. Repealed. Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8

Section, Pub. L. 96-448, title IV, § 409, Oct. 14, 1980, 94 Stat. 1948; Pub. L. 97-375, title II, § 210(a), Dec. 21, 1982, 96 Stat. 1825, required the Secretary of Transportation, within 90 days after the end of each fiscal year, to submit a report to Congress listing the specific Federal assistance provided the railroad industry during such fiscal year and to include in such report the reasons for each loan, the past and anticipated financial condition of certain railroad funds, and the financial condition of each railroad. See section 308(d) of Title 49, Transportation.

§ 1655. Transfer of functions

[See main edition for text of (a) to (d)]

(e) Interstate Commerce Commission; functions, powers, and duties relating to safety appliances and equipment on railroad engines and cars, protection of employees and travelers, hours of service, medals for heroism, explosives and other dangerous articles, safety appliance methods and systems

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Interstate Commerce Commission, and of the Chairman, members, officers, and offices thereof, under—

[See main edition for text of (1) to (3)]

(4) Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 604.

[See main edition for text of (5) and (6); (f) to (h)]

(i) Repealed. Pub. L. 97-468, title VI, § 615(a)(4), Jan. 14, 1983, 96 Stat. 2578

(As amended Pub. L. 97-468, title VI, § 615(a)(4), Jan. 14, 1983, 96 Stat. 2578; Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 604.)

AMENDMENTS

1983—Subsec. (e)(4). Pub. L. 98-89 struck out par. (4) which had transferred to the Secretary of Transportation all functions of the Interstate Commerce Commission regarding former sections 831-835 of Title 18, Crimes and Criminal Procedure, which had related to explosives and other dangerous articles.

Subsec. (i). Pub. L. 97-468 struck out subsec. (i) which had transferred to and vested in the Secretary of Transportation the administration of the Alaska Railroad from the Secretary of the Interior.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-468 became effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(b) of Pub. L. 97-468.

CHAPTER 24—NATURAL GAS PIPELINE SAFETY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1811 of this Appendix; title 42 section 6991.

§ 1671. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1365.

§ 1681. Powers and duties of Secretary

(a) General authority

The Secretary may, to the extent necessary to carry out his responsibilities under this chapter, conduct investigations, make reports, issue subpenas, conduct hearings, require the production of relevant documents and records, take depositions, and conduct, directly or, by contract, or otherwise, research, testing, development, demonstration, and training activities; however, before the Secretary may exercise authority under this section to require testing of portions of pipeline facilities subject to the provisions of this chapter which have been involved in or affected by an accident, he shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing. In conducting training activities for State or local government personnel in the enforcement of regulations issued under this chapter, the Secretary may not assess any charge or fee in the nature of tuition.

[*See main edition for text of* (*b*) *to* (*e*)]

(As amended Pub. L. 98–464, § 7(a), Oct. 11, 1984, 98 Stat. 1823.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–464 added sentence at end providing that in conducting training activities for State or local government personnel in the enforcement of regulations issued under this chapter, the Secretary may not assess any charge or fee in the nature of tuition.

§ 1682. Administration

REPORT; PIPELINE CONDITION; IDENTIFICATION OF HAZARDOUS FACILITIES; REPORT TO CONGRESS; DEFINITIONS

Pub. L. 98–464, § 6, Oct. 11, 1984, 98 Stat. 1822, provided that:

"(a) Each person who owns or operates interstate transmission facilities shall, within one hundred and eighty days after the date of enactment of this section [Oct. 11, 1984], submit a report to the Secretary of Transportation which—

"(1) identifies the location and condition of all such pipeline facilities owned or operated by such person, the construction of which was completed before January 1, 1940; and

"(2) includes the most recent leak survey information compiled by such owner or operator with respect to the pipeline facilities so identified.

"(b) The Secretary shall, within ninety days after the expiration of the one hundred and eighty-day period referred to in subsection (a) of this section—

"(1) identify, on the basis of information contained in reports submitted under subsection (a) of this section, any pipeline facilities which may be hazardous to life and property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)); and

"(2) inspect the pipeline facilities so identified.

"(c) The Secretary shall, within one hundred and twenty days after the expiration of the one hundred and eighty-day period referred to in subsection (a) of this section, report to the Congress on—

"(1) any actions taken under subsection (b) of this section; and

"(2) the recommendations of the Secretary for any additional action the Secretary considers necessary with respect to the pipeline facilities referred to in subsection (a)(1) of this section, together with an estimate of the time and resources necessary for undertaking such actions.

"(d) As used in this section, the term—

"(1) 'interstate transmission facilities' shall have the meaning given to such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8));

"(2) 'person' shall have the meaning given to such term in section 2(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(1)); and

"(3) 'pipeline facilities' shall have the meaning given to such term in section 2(4) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(4))."

§ 1683. Annual report to Congress

(a) The Secretary shall prepare and submit to the Congress on April 15 of each year a comprehensive report on the administration of this chapter for the preceding calendar year. Such report shall include—

[*See main edition for text of* (*1*) *to* (*11*); (*b*)]

(As amended Pub. L. 98–464, § 3(a), Oct. 11, 1984, 98 Stat. 1821.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–464 struck out "to the President for transmittal" after "prepare and submit" and substituted "April 15" for "June 15" in introductory provisions.

§ 1684. Authorization of appropriations

(a) For the purpose of carrying out the provisions of this chapter (other than provisions for which funds are authorized to be appropriated under subsection (b) of this section), there are authorized to be appropriated—

(1) $6,200,000, for the fiscal year ending September 30, 1980;

(2) $6,900,000, for the fiscal year ending September 30, 1981; and

(3) $3,472,000, for the fiscal year ending September 30, 1985.

(b) For the purpose of carrying out the Federal grants-in-aid provisions of section 1674(d) of this Appendix, there are authorized to be appropriated—

(1) $4,500,000, for the fiscal year ending September 30, 1980;

(2) $5,500,000, for the fiscal year ending September 30, 1981; and

(3) $3,728,000, for the fiscal year ending September 30, 1985.

(As amended Pub. L. 98–464, § 1, Oct. 11, 1984, 98 Stat. 1821.)

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98–464 added par. (3). Subsec. (b)(3). Pub. L. 98–464 added par. (3).

CHAPTER 27—HAZARDOUS MATERIALS TRANSPORTATION

Sec.
1813. Evaluation of training programs for incident prevention and response.
    (a) Evaluation.
    (b) Report.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2301, 2503, 2505, 2518 of this Appendix; title 42 sections 6912, 6921, 6923, 9656; title 45 sections 440, 441; title 49 section 521.

§ 1803. Designation of hazardous materials

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 2101.

§ 1806. Exemptions

References in Text

The "Ports and Waterways Safety Act of 1972" and "such Act", referred to in subsec. (b), mean Pub. L. 92-340, July 10, 1972, 86 Stat. 424, as amended, which is classified generally to chapter 25 (§ 1221 et seq.) of Title 33, Navigation and Navigable Waters. Section 201 of the Ports and Waterways Act of 1972 amended, generally, section 391a of former Title 46, Shipping. Section 391a was again amended generally by Pub. L. 95-474 and provisions formerly contained in paragraph (2), referred to in subsec. (b), were restated in paragraphs (3), (4), and (5). Section 391a was subsequently repealed and reenacted in chapter 37 (§ 3701 et seq.) of Title 46, Shipping, by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500. For vessels excepted, see sections 2109 and 3702 of Title 46. For complete classification of Pub. L. 92-340 to the Code, see Short Title note set out under section 1221 of Title 33 and Tables.

§ 1808. Powers and duties of Secretary

[*See main edition for text of (a) to (c)*]

(d) Facilities and duties; contract limitations

(1) The Secretary shall—

(A) establish and maintain facilities and technical staff sufficient to provide, within the Federal government, the capability of evaluating risks connected with the transportation of hazardous materials and materials alleged to be hazardous;

(B) establish and maintain a central reporting system and data center so as to be able to provide the law-enforcement and firefighting personnel of communities, and other interested persons and government officers, with technical and other information and advice for meeting emergencies connected with the transportation of hazardous materials; and

(C) conduct a continuing review of all aspects of the transportation of hazardous materials in order to determine and to be able to recommend appropriate steps to assure the safe transportation of hazardous materials.

(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.

(e) Annual report

The Secretary shall prepare and submit to the President for transmittal to the Congress on or before June 15 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but need not be limited to—

[*See main edition for text of (1) to (6)*]

(As amended Pub. L. 98-559, § 1(a), (b)(1), Oct. 30, 1984, 98 Stat. 2907.)

Amendments

1984—Subsec. (d). Pub. L. 98-559, § 1(a), designated existing provisions as par. (1), existing pars. (1) to (3) as subpars. (A) to (C), and added par. (2).

Subsec. (e). Pub. L. 98-559, § 1(b)(1), substituted "June 15" for "May 1".

Effective Date of 1984 Amendment

Section 1(b)(2) of Pub. L. 98-559 provided that: "The amendment made by paragraph (1) [amending subsec. (e) of this section] shall take effect October 1, 1984."

§ 1812. Authorization of appropriations

There is authorized to be appropriated to carry out the provisions of this chapter not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and $8,000,000 for the fiscal year ending September 30, 1986.

(As amended Pub. L. 98-559, § 2, Oct. 30, 1984, 98 Stat. 2907.)

Amendments

1984—Pub. L. 98-559 substituted provisions authorizing appropriations for fiscal years ending Sept. 30, 1985, and 1986, for provisions authorizing appropriations for fiscal years ending June 30, 1976, transition period through Sept. 30, 1976, and Sept. 30, 1977, through Sept. 30, 1979.

§ 1813. Evaluation of training programs for incident prevention and response

(a) Evaluation

The Secretary and the Director of the Federal Emergency Management Agency (hereinafter in this section referred to as the "Director"), in coordination with other Federal, State, and local agencies with responsibilities relating to transportation of hazardous materials (including but not limited to the Environmental Protection Agency, the Department of Energy, and the Nuclear Regulatory Commission), shall each evaluate—

(1) programs conducted by Federal, State, and local agencies and private organizations which provide training to shippers, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

(2) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or organizations responsible for responding to incidents involving transportation of hazardous materials; and

(3) planning programs conducted by Federal, State, and local agencies and private organizations for responding to incidents involving transportation of hazardous materials.

(b) Report

Not later than five months after October 30, 1984, the Secretary and the Director shall each submit an interim report to the Congress on the results of their respective evaluations under subsection (a) of this section. Not later than 10 months after October 30, 1984, the Secretary and the Director shall complete such evaluations and submit the results of such evaluations to the Congress. Such reports shall include, but not be limited to—

(1) a description of existing planning programs for responding to incidents involving transportation of hazardous materials;

(2) a description of Federal, State, and (to the extent feasible) local training programs for responding to incidents involving transportation of hazardous materials and for compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

(3) the amounts of funds expended per fiscal year in fiscal years 1980, 1981, 1982, 1983, and 1984 by Federal and State agencies on training programs described in paragraph (2); and

(4) recommendations concerning methods of funding such training programs, including but not limited to methods which assure long-term funding for such programs.

(Pub. L. 93-633, title I, § 116, as added Pub. L. 98-559, § 3, Oct. 30, 1984, 98 Stat. 2907.)

CHAPTER 28—NATIONAL TRANSPORTATION SAFETY BOARD

§ 1903. General provisions

(a) Duties of Board

The Board shall—

[*See main edition for text of (1) to (8)*]

(9) review on appeal (A) the suspension, amendment, modification, revocation, or denial of any operating certificate or license issued by the Secretary of Transportation under sections 602, 609, or 611(c)[1] of the Federal Aviation Act of 1958 [49 App. U.S.C. 1422, 1429, or 1431(c)] and the revocation of any certificate of registration under section 501(e)(2) of such Act [49 App. U.S.C. 1401(e)(2)]; and (B) the decisions of the Commandant of the Coast Guard, on appeals from the orders of any administrative law judge revoking, suspending, or denying a license, certificate, document, or register in proceedings under chapter 77 or section 6101, 6301, 7503, or 9303 of title 46.

[*See main edition for text of (b) to (d)*]

(As amended Pub. L. 98-499, § 4(b), Oct. 19, 1984, 98 Stat. 2315.)

REFERENCES IN TEXT

Section 611(c) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1431(c)], referred to in subsec. (a)(9), was redesignated section 611(e) [49 App. U.S.C. 1431(e)] by Pub. L. 92-574, § 7(b), Oct. 27, 1972, 86 Stat. 1239.

CODIFICATION

In subsec. (a)(9), "chapter 77 or section 6101, 6301, 7503, or 9303 of title 46" was substituted for "section 4450 of the Revised Statutes of the United States (46 U.S.C. 239); the Act of July 15, 1954 [46 U.S.C. 239a, 239b]; or section 4 of the Great Lakes Pilotage Act [46 U.S.C. 216b]" on authority of Pub. L. 98-89, § 2(a), Aug. 26, 1983, 97 Stat. 598, section 1 of which enacted Title 46, Shipping.

AMENDMENTS

1984—Subsec. (a)(9)(A). Pub. L. 98-499 added "and the revocation of any certificate of registration under section 501(e)(2) of such Act" before the semicolon at the end.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-499 applicable with respect to acts and violations occurring after Oct. 19, 1984, see section 7 of Pub. L. 98-499 set out as a note under section 1401 of this Appendix.

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

CROSS REFERENCES

Investigation of marine casualties by Secretary of Transportation, see section 6301 et seq. of Title 46, Shipping.

§ 1907. Authorization of appropriations

There are authorized to be appropriated for the purposes of this Act not to exceed $12,000,000 for the fiscal year ending June 30, 1975; and $12,000,000 for the fiscal year ending June 30, 1976, such sums to remain available until expended. There are authorized to be appropriated for the purpose of this Act not to exceed $3,800,000 for the transition quarter ending September 30, 1976, $15,200,000 for the fiscal year ending September 30, 1977, and $16,400,000 for the fiscal year ending September 30, 1978, such sums to remain available until expended. There are authorized to be appropriated for the purposes of this Act not to exceed $16,420,000 for the fiscal year ending September 30, 1979, and $17,650,000 for the fiscal year ending September 30, 1980, such sums to remain available until expended. There are authorized to be appropriated for the purposes of this Act not to exceed $18,540,000 for the fiscal year ending September 30, 1981, $19,925,000 for the fiscal year ending September 30, 1982, and $22,100,000 for the fiscal year ending September 30, 1983, such sums to remain available until expended. There are authorized to be appropriated for the purposes of this Act not to exceed $22,600,000 for the fiscal year ending September 30, 1984, $24,500,000 for the fiscal year ending September 30, 1985, and $26,100,000 for the fiscal year ending September 30, 1986, such sums to remain available until expended.

(As amended Pub. L. 98-37, June 6, 1983, 97 Stat. 204.)

AMENDMENTS

1983—Pub. L. 98-37 added provisions authorizing the appropriation of not to exceed $22,600,000 for the fiscal year ending Sept. 30, 1984, $24,500,000 for the fiscal year ending Sept. 30, 1985, and $26,100,000 for the fiscal year ending Sept. 30, 1986, with such sums to remain available until expended.

CHAPTER 29—HAZARDOUS LIQUID PIPELINE SAFETY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1811 of this Appendix; title 42 sections 6991, 9607.

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[1] See References in Text note below.

§ 2003. Technical Hazardous-Liquid Pipeline Safety Standards Committee

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2009 of this Appendix.

§ 2009. Inspection and maintenance plan

[*See main edition for text of* (*a*) *and* (*b*)]

(c) Feasibility study; costs; recommendations; report to Congress

(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this chapter. In carrying out such study, the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous-Liquid Pipeline Safety Standards Committee established under section 2003 of this Appendix, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account—

(A) the location of the pipeline facilities;

(B) the type, age, manufacturer, method of construction, and condition of the pipeline facilities;

(C) the nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported;

(D) the climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

(E) the frequency of leaks, if any;

(F) the costs of the various available methods; and

(G) any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

(3) The Secretary shall submit to the Congress a report detailing the results of the study undertaken under this subsection and setting forth the recommendations made under paragraph (2) no later than one year after October 11, 1984.

(As amended Pub. L. 98–464, § 5, Oct. 11, 1984, 98 Stat. 1823.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1), was in the original "this title", meaning title II of Pub. L. 96–129, Nov. 30, 1979, 93 Stat. 1003, as amended, known as the Hazardous Liquid Pipeline Safety Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this Appendix and Tables.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98–464 added subsec. (c).

§ 2010. Powers and duties of Secretary

(a) General authority

The Secretary may, to the extent necessary to carry out his responsibilities under this chapter, conduct investigations, make reports, issue subpenas, conduct hearings, require the production of relevant documents and records, take depositions, and conduct, directly or, by contract, or otherwise, research, testing, development, demonstration, and training activities; however, before the Secretary may exercise authority under this section to require testing of portions of pipeline facilities subject to the provisions of this chapter which have been involved in or affected by an accident, he shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing. In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.

[*See main edition for text of* (*b*) *to* (*e*)]

(As amended Pub. L. 98–464, § 7(b), Oct. 11, 1984, 98 Stat. 1823.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 96–129, Nov. 30, 1979, 93 Stat. 989, as amended, known as the Pipeline Safety Act of 1979, which enacted this chapter and sections 1674a, 1674b, 1679a, and 1679b of this Appendix, amended sections 1671 to 1674, 1675 to 1677, 1679a, 1680 to 1684, and 1811 of this Appendix, repealed sections 1678 and 1679 of this Appendix and sections 831 to 835 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as notes under sections 1671, 1672, 1682, and 2001 of this Appendix and section 831 of Title 18. For complete classification of this Act to the Code, see Short Title note set out under section 1671 of this Appendix and Tables.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–464 added sentence at end providing that in conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.

§ 2012. Annual report

(a) Submittal to Congress; contents

The Secretary shall prepare and submit to the Congress on April 15 of each year a comprehensive report on the administration of this chapter for the preceding calendar year. Such report shall include—

[*See main edition for text of* (*1*) *to* (*11*); (*b*) *and* (*c*)]

(As amended Pub. L. 98–464, § 3(b), Oct. 11, 1984, 98 Stat. 1821.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–464 struck out "to the President for transmittal" after "prepare and submit" and substituted "April 15" for "June 15" in introductory provisions.

§ 2013. Authorization of appropriations

(a) For the purpose of carrying out the provisions of this chapter (other than provisions for which funds are authorized to be appropriated under subsection (b) of this section), there are authorized to be appropriated—

(1) $1,800,000, for the fiscal year ending September 30, 1980;

(2) $2,100,000, for the fiscal year ending September 30, 1981; and

(3) $900,000, for the fiscal year ending September 30, 1985.

(b) For the purpose of carrying out the Federal grants-in-aid provisions of section 2004 of this Appendix, there are authorized to be appropriated—

(1) $500,000, for the fiscal year ending September 30, 1980;

(2) $535,000, for the fiscal year ending September 30, 1981; and

(3) $500,000, for the fiscal year ending September 30, 1985.

(As amended Pub. L. 98–464, § 2, Oct. 11, 1984, 98 Stat. 1821.)

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98–464 added par. (3). Subsec. (b)(3). Pub. L. 98–464 added par. (3).

CHAPTER 30—ABATEMENT OF AVIATION NOISE

SUBCHAPTER I—AIRPORT NOISE

§ 2101. Definitions

TERMINATION OF CIVIL AERONAUTICS BOARD; TRANSFER OF FUNCTIONS; TERMINATION OF AUTHORITY

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board were terminated or transferred by section 1551 of this Appendix, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

§ 2105. Noise exposure map and compatibility program for Washington National and Dulles International airports; preparation and publication

REFERENCES IN TEXT

The airports established by the Acts of June 29, 1940, and Sept. 7, 1950, referred to in text, are known as Washington National Airport and Washington Dulles International Airport.

CHAPTER 31—AIRPORT AND AIRWAY IMPROVEMENT

§ 2202. Definitions

(a) In general

As used in this chapter—

[See main edition for text of (1) to (20)]

(21) "Sponsor" means (A) any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this chapter, an application for financial assistance, and (B) any private owner of a public-use airport who submits to the Secretary, in accordance with this chapter, an application for financial assistance for such airport.

[See main edition for text of (22) to (24); (b); credits]

CODIFICATION

Subsec. (a)(21) is set out in this supplement to correct translations appearing in the main edition.

CHAPTER 32—COMMERCIAL MOTOR VEHICLES

SUBCHAPTER II—LENGTH LIMITATION

Sec.
2316. Commercial motor vehicle width limitation.
  (a) State limitation of more or less than 102 inches on vehicle width prohibited.
  (b) Safety devices not included in calculation of width.
  (c) Special use permits.
  (d) State authority to enforce commercial vehicle width limitation of 102 inches.
  (e) Exemption from width requirements.
  (f) Effective date.

SUBCHAPTER I—SAFETY

§ 2301. Definitions

AMENDMENT OF PARAGRAPH (2)

Pub. L. 98–554, title II, § 228(a), Oct. 30, 1984, 98 Stat. 2852, provided that, effective on the last day of the two year period beginning on Oct. 30, 1984, paragraph (2) of this section is amended by striking out ", nor does" and all that follows through the semicolon at the end thereof and inserting in lieu thereof a semicolon.

SHORT TITLE

Pub. L. 98–554, title I, § 101, Oct. 30, 1984, 98 Stat. 2829, provided that: "This title [amending sections 2311, 2312, and 2316 of this Appendix] may be cited as the 'Tandem Truck Safety Act of 1984'."

STUDY; AMENDMENT OF SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982; PROTECTION; INDIVIDUALS EMPLOYED BY COMMERCIAL MOTOR CARRIER

Section 228(c) of Pub. L. 98–554 provided that: "The Secretary, in consultation with the Secretary of Labor, shall conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 [this subchapter] should be amended to provide protection to individuals employed by a commercial motor carrier engaged in the transportation of passengers. Not later than twelve months after the date of the enactment of this Act [Oct. 30, 1984], the Secretary shall transmit to Congress a report on the results of such study."

§ 2302. Grants to States

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2303, 2304, 2509, 2510 of this Appendix.

§ 2305. Protection of employees

[See main edition for text of (a) to (d)]

(e) Civil action to enforce order; relief granted

Whenever a person has failed to comply with an order issued under subsection (c)(2) of this section, the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory damages.

(As amended Pub. L. 98-620, title IV, § 402(51), Nov. 8, 1984, 98 Stat. 3361.)

Amendments

1984—Subsec. (e). Pub. L. 98-620 struck out provision that civil actions brought under this subsection had to be heard and decided expeditiously.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER II—LENGTH LIMITATION

§ 2311. Length limitations on federally assisted highways

(a) Prohibition against certain length limitations on semitrailers and trailers

Except as provided in subsection (i) of this section, no State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (i) of this section) and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary of Transportation (hereinafter in this subchapter referred to as the "Secretary"), pursuant to subsection (e) of this section.

[*See main edition for text of* (*b*)]

(c) Prohibition by State of combination of truck tractor and two trailing units forbidden

No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (i) of this section), and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary pursuant to subsection (e) of this section.

[*See main edition for text of* (*d*) *to* (*h*)]

(i) Exemption from length requirements

(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

(B) serves the area in which such segment is located.

(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

(As amended Pub. L. 98-554, title I, §§ 102, 104(a), (b), Oct. 30, 1984, 98 Stat. 2829, 2831.)

Amendments

1984—Subsec. (a). Pub. L. 98-554, § 104(a), substituted "Except as provided in subsection (i) of this section, no" for "No", added "(other than a segment exempted under subsection (i) of this section)" after "Highways", and substituted "Secretary of Transportation (hereinafter in this subchapter referred to as the 'Secretary')," for "Secretary,".

Subsec. (c). Pub. L. 98-554, § 104(b), added "(other than a segment exempted under subsection (i) of this section)" after "Highways".

Subsec. (i). Pub. L. 98-554, § 102, added subsec. (i).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2314 of this Appendix.

§ 2312. Access to the Interstate System

(a) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this chapter between (1) the Interstate and Defense Highway System (other than any segment thereof which is exempted under section 2311(i) or 2316(e) of this Appendix) and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 2311(c) of this Appendix.

(b) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 2311(c) of this Appendix.

(As amended Pub. L. 98-554, title I, §§ 104(c), 106, Oct. 30, 1984, 98 Stat. 2831, 2832.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this title", meaning title IV of Pub. L. 97-424. Title IV of Pub. L. 97-424, in addition to enacting this chapter, amended sections 2204, 2205, and 2206 of this Appendix, section 713c-3 of Title 15, Commerce and Trade, section 1606a of Title 16, Conservation, section 9502 of Title 26, Internal Revenue Code, section 1414 of Title 33, Navigation and Navigable Waters, sections 1273, 1474, 1475, and 1479 of former Title 46, Shipping, and sections 10927 note, 11909, and 11914 of Title 49, Transportation.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-554, § 106(1), designated existing provisions as subsec. (a).

Pub. L. 98-554, § 104(c), added "(other than any segment thereof which is exempted under section 2311(i) or 2316(e) of this Appendix)" after "Highway System".

Pub. L. 98-554, § 106(2), inserted "and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 2311(c) of this Appendix" before the period at the end.

Subsec. (b). Pub. L. 98-554, § 106(2), added subsec. (b).

§ 2313. Enforcement

On the request of the Secretary, the Attorney General of the United States, is authorized and directed to institute any civil action for injunctive relief as may be appropriate to assure compliance with the provisions of this chapter. Such action may be instituted in any district court of the United States in any State where such relief is required to assure compliance with the terms of this chapter. In any action under this section, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any such action, the court may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of this chapter, or any rule issued under authority of this chapter.

(As amended Pub. L. 98-554, title II, § 214, Oct. 30, 1984, 98 Stat. 2844.)

AMENDMENTS

1984—Pub. L. 98-554 substituted "On" for "The Secretary, or, on" before "the request of the Secretary".

§ 2314. Splash and spray suppressant devices

[*See main edition for text of* (a)]

(b) Establishment of minimum standards with respect to performance and installation of devices; requirement that commercial motor vehicles be equipped with devices

The Secretary shall by regulation—

[*See main edition for text of* (*1*)]

(2) within one year after the date on which the standards are established under paragraph (1) of this subsection, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within four years after the date on which the standards are established under paragraph (1) of this subsection, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

[*See main edition for text of* (c)]

(As amended Pub. L. 98-554, title II, § 223, Oct. 30, 1984, 98 Stat. 2847.)

AMENDMENTS

1984—Subsec. (b)(2). Pub. L. 98-554, § 223(1), substituted "one year after the date on which the standards are established under paragraph (1) of this subsection," for "within two years after the date of the enactment of this title [January 6, 1983],".

Subsec. (b)(3). Pub. L. 98-554, § 223(2), substituted "four years after the date on which the standards are established under paragraph (1) of this subsection," for "within five years after the date of the enactment of this title [Jan. 6, 1983],".

§ 2316. Commercial motor vehicle width limitation

(a) State limitation of more or less than 102 inches on vehicle width prohibited

Except as provided in subsection (e) of this section, no State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (e) of this section), or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more, or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983, with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection. After October 30, 1984, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.

(b) Safety devices not included in calculation of width

Notwithstanding the provisions of this section or any other provision of law, certain safety devices which the Secretary of Transportation determines are necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(c) Special use permits

Notwithstanding the provisions of this section or any other provision of law, a State may grant special use permits to motor vehicles that exceed 102 inches in width.

(d) State authority to enforce commercial vehicle width limitation of 102 inches

Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (e) of this section), or any other qualifying Federal-aid highway as designated by the Secretary of Transportation.

(e) Exemption from width requirements

(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment.

(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

(B) serves the area in which such segment is located.

(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

(f) Effective date

The provisions of this section shall take effect on April 6, 1983.

(Pub. L. 97–424, title IV, § 416, as added Pub. L. 98–17, § 1(a), Apr. 5, 1983, 97 Stat. 59, and amended Pub. L. 98–554, title I, §§ 103, 104(d), (e), 105, Oct. 30, 1984, 98 Stat. 2830, 2831.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–554, § 104(d), substituted "Except as provided in subsection (e) of this section, no" for "No", and added "(other than a segment exempted under subsection (e) of this section)" after "Highways".

Pub. L. 98-554, § 105, added ", or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety" after "more" the second place it appears, and added provision at end that after October 30, 1984, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.

Subsec. (d). Pub. L. 98-554, § 104(e), added "(other than a segment exempted under subsection (e) of this section)" after "Highways" and struck out ", with traffic lanes designed to be a width of twelve feet or more" at the end.

Subsecs. (e), (f). Pub. L. 98-554, § 103, added subsec. (e) and redesignated former subsec. (e) as (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2312 of this Appendix.

CHAPTER 33—PUBLIC AIRPORTS

SUBCHAPTER II—WASHINGTON DULLES INTERNATIONAL AIRPORT

§ 2421. Construction and operation of airport

DULLES INTERNATIONAL AIRPORT REDESIGNATED AS WASHINGTON DULLES INTERNATIONAL AIRPORT

Pub. L. 98-510, Oct. 19, 1984, 98 Stat. 2365, provided: "That the airport constructed under the Act entitled 'An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia', approved September 7, 1950 (64 Stat. 770) [this subchapter], known as the Dulles International Airport, shall hereafter be known and designated as the 'Washington Dulles International Airport'. Any law, regulation, map, document, record, or other paper of the United States in which such airport is referred to shall be held to refer to such airport as the 'Washington Dulles International Airport'."

EX. ORD. NO. 10828. DESIGNATING THE AIRPORT BEING CONSTRUCTED IN THE COUNTIES OF FAIRFAX AND LOUDOUN IN THE STATE OF VIRGINIA AS THE DULLES INTERNATIONAL AIRPORT

Ex. Ord. No. 10828, July 15, 1959, 24 F.R. 5735, provided that:

WHEREAS there is now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to an act of Congress approved September 7, 1950 (Public Law 762; 64 Stat. 770) [this subchapter], an international airport which will provide facilities for the District of Columbia and its vicinity; and

WHEREAS it is desirable that this airport be given an appropriate and significant name; and

WHEREAS the public service of John Foster Dulles, the renowned diplomat and statesman, was dedicated in large measure to the ideals of democracy and the cause of freedom and peace throughout the world; and

WHEREAS it is fitting that the international airport being built to serve our Nation's Capital should bear the name of this distinguished American whose memory is revered wherever men cherish democracy and freedom:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby designate the airport now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to the above-mentioned act of Congress, as the Dulles International Airport; and such airport shall hereafter be known and referred to by that name.

DWIGHT D. EISENHOWER.

§ 2423. Acquisition and construction of facilities

STUDY OF TRANSPORTATION TO AND FROM WASHINGTON DULLES INTERNATIONAL AIRPORT

Pub. L. 98-443, § 15, Oct. 4, 1984, 98 Stat. 1711, as amended by Pub. L. 98-510, Oct. 19, 1984, 98 Stat. 2365, provided that:

"(a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, District of Columbia metrorail system and Washington Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, magnetic levitation systems, and any other appropriate transportation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

"(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this Act [Oct. 4, 1984]."

§ 2433. Disposition of money recovered from pool and fountain

Money recovered after August 30, 1964, from the pool and fountain at Washington Dulles International Airport shall not be subject to the Act of June 30, 1949, as amended (40 U.S.C. 484m, 485a),[1] and may be given to a nonprofit organization which, in the determination of the Secretary of Transportation promotes and provides for the welfare of travelers in air commerce.

(As amended Pub. L. 98-510, Oct. 19, 1984, 98 Stat. 2365.)

AMENDMENTS

1984—Pub. L. 98-510 substituted "Washington Dulles International Airport" for "Dulles International Airport".

CHAPTER 34—MOTOR CARRIER SAFETY

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[1] So in original. Should be "(40 U.S.C. 484(m), 485(a)),".

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 49 sections 507, 521, 526.

§ 2501. Congressional statement of purpose

The purposes of this chapter are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

(Pub. L. 98-554, title II, § 202, Oct. 30, 1984, 98 Stat. 2832.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 98-554, Oct. 30, 1984, 98 Stat. 2829. Title I (§ 101 et seq.) of this Act, known as the Tandem Truck Safety Act of 1984, amended the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301 et seq.). Title II (§ 201 et seq.) of this Act, known as the Motor Carrier Safety Act of 1984, enacted this chapter. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 2301 of this Appendix, Short Title note below, and Tables.

SHORT TITLE

Section 201 of title II of Pub. L. 98-554 provided that: "This title [enacting this chapter, section 10530 of Title 49, Transportation, and provisions set out as notes under sections 2301 and 2501 of this Appendix and sections 521, 10530, and 10922 of Title 49, amending sections 2301, 2313, and 2314 of this Appendix, section 2342 of Title 28, Judiciary and Judicial Procedure, sections 507, 521, 526, 3102, 10322, 10526, 10734, 10735, 10922, 10927, 10934, 11346, 11701, 11702, 11901, and 11914 of Title 49, and provisions set out as a note under section 10927 of Title 49] may be cited as the 'Motor Carrier Safety Act of 1984'."

§ 2502. Congressional findings

The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

(Pub. L. 98-554, title II, § 203, Oct. 30, 1984, 98 Stat. 2832.)

§ 2503. Definitions

For purposes of this chapter, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on high-

ways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act;

(2) "employee" means—

(A) an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; and

(D) any individual other than an employer;

who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or any political subdivision of a State who is acting within the course of such employment;

(3) "employer" means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, or any political subdivision of a State;

(4) "interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States;

(5) "intrastate commerce" means any trade, traffic, or transportation in any State which is not described in paragraph (4);

(6) "person" means any individual, partnership, association, corporation, business trust, and any other organized group of individuals;

(7) "regulation" includes any rule, standard, and order;

(8) "Safety Panel" means the Commercial Motor Vehicle Safety Regulatory Review Panel established under section 2508 of this Appendix;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means a State of the United States and the District of Columbia and, for purposes of sections 2505, 2506, 2507, 2509, and 2515 of this Appendix, includes a political subdivision of a State;

(11) "State law" includes any law enacted or adopted by a political subdivision of a State;

(12) "State regulation" includes any regulation issued by a political subdivision of a State; and

(13) "United States" means the 50 States and the District of Columbia.

(Pub. L. 98-554, title II, § 204, Oct. 30, 1984, 98 Stat. 2833.)

REFERENCES IN TEXT

The Hazardous Materials Transportation Act, referred to in par. (1)(C), is title I of Pub. L. 93-633, Jan. 3, 1975, 88 Stat. 2156, as amended, which is classified principally to chapter 27 (§ 1801 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this Appendix and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2515 of this Appendix; title 49 section 521.

§ 2504. Duties

Each employer and employee shall comply with regulations pertaining to commercial motor vehicle safety issued by the Secretary under this chapter which are applicable to his or her own actions and conduct.

(Pub. L. 98-554, title II, § 205, Oct. 30, 1984, 98 Stat. 2834.)

§ 2505. Federal regulations

(a) Authority of Secretary

Not later than 18 months after October 30, 1984, the Secretary shall issue regulations pertaining to commercial motor vehicle safety. Such regulation shall establish minimum Federal safety standards for commercial motor vehicles and shall, at a minimum, ensure that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon operators of commercial motor vehicles do not impair their ability to operate such vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely; and

(4) the operation of commercial motor vehicles does not have deleterious effects on the physical condition of such operators.

(b) Elimination or modification of existing motor carrier safety rules

The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act.

(c) Procedure; considerations

(1) All regulations under this section shall be issued in accordance with section 553 of title 5 (without regard to sections 556 and 557 of such title), except that the time periods specified in this subsection shall apply to the issuance of such regulations.

(2) Before issuing such regulations, the Secretary shall, to the extent practicable and consist-

ent with the purposes of this Act, consider (A) costs and benefits, and (B) State laws and regulations pertaining to commercial motor vehicle safety in order to minimize unnecessary preemption of such State laws and regulations under this Act.

(d) Delays; notification of Congress; transmittal of current data

If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after October 30, 1984, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary shall transmit to the Congress current data regarding the information specified in the preceding sentence at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

(e) Prior regulations

If the Secretary does not issue regulations pertaining to commercial motor vehicle safety in accordance with this section, regulations pertaining to commercial motor vehicle safety which the Secretary issued before October 30, 1984, and in effect on October 30, 1984, shall, for purposes of this chapter, be deemed to be regulations issued by the Secretary under this section.

(f) Waiver; schoolbuses; publication

After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive application of the regulations issued under this section with respect to schoolbuses, as defined in section 1391(4) of title 15, unless the Secretary determines that making such regulations applicable to such schoolbuses is necessary for public safety taking into account all Federal and State laws applicable to such schoolbuses. Any waiver authorized under this subsection shall be published in the Federal Register, together with the reasons for such waiver.

(g) Judicial review

Any final agency action taken under this section shall be subject to judicial review under chapter 7 of title 5.

(Pub. L. 98-554, title II, § 206(less (h)), Oct. 30, 1984, 98 Stat. 2834.)

REFERENCES IN TEXT

The Hazardous Materials Transportation Act, referred to in subsec. (b), is title I of Pub. L. 93-633, Jan. 3, 1975, 88 Stat. 2156, as amended, which is classified principally to chapter 27 (§ 1801 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this Appendix and Tables.

This Act, referred to in subsec. (c)(2), is Pub. L. 98-554, Oct. 30, 1984, 98 Stat. 2829. Title I (§ 101 et seq.) of this Act, known as the Tandem Truck Safety Act of 1984, amended the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301 et seq.). Title II (§ 201 et seq.) of this Act, known as the Motor Carrier *Safety Act of 1984*, enacted this chapter. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 2301 of this Appendix, Short Title note set out under section 2501 of this Appendix, and Tables.

CODIFICATION

Section 206 of Pub. L. 98-554, cited as the credit to this section, contained a subsec. (h) which amended section 3102 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2503, 2506, 2507, 2508, 2509, 2510 of this Appendix.

§ 2506. Submission of State regulations for review

(a) Prior State law or regulation submitted to Secretary and Safety Panel

Any State which enacts, adopts, issues, or has in effect any law or regulation pertaining to commercial motor vehicle safety and is interested in having in effect and enforcing such law or regulation after the last day of the 60-month period beginning on October 30, 1984, shall, before the last day of the 6-month period beginning on October 30, 1984, submit to the Secretary and the Safety Panel a copy of such law or regulation.

(b) Recent State law or regulation submitted to Secretary and Safety Panel

Any State which enacts, adopts, or issues any law or regulation pertaining to commercial motor vehicle safety after the last day of the 6-month period beginning on October 30, 1984, shall (immediately after such enactment, adoption, or issuance) submit to the Secretary and the Safety Panel a copy of such law or regulation.

(c) Guidelines by Secretary

Not later than 60 days after October 30, 1984, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

(d) Submission of additional information to Safety Panel

As soon as practicable but not later than such time as the Safety Panel may establish, any State which submits a law or regulation under this section to the Safety Panel—

(1) shall indicate, in writing, to the Safety Panel if such law or regulation—

(A) has the same effect as;

(B) is less stringent than; or

(C) additional to or more stringent than;

any regulation issued by the Secretary under section 2505 [1] of this Appendix; and

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[1] See Codification note below.

(2) shall submit to the Safety Panel such other information as the Safety Panel or the Secretary may require to carry out the objectives of this chapter.

(e) Failure to submit

If any State fails to submit any State law or regulation pertaining to commercial motor vehicle safety in accordance with this section, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.

(Pub. L. 98-554, title II, § 207, Oct. 30, 1984, 98 Stat. 2835.)

CODIFICATION

Section 2505 of this Appendix, referred to in subsec. (d)(1), was in the original "section 6" and was translated as if the reference was to section 206 to reflect the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2503, 2507, 2508 of this Appendix.

§ 2507. Review and preemption of State regulations

(a) Prohibition on State laws; after 60-month period

After the last day of the 60-month period beginning on October 30, 1984, no State may have in effect or enforce with respect to commercial motor vehicles any State law or regulation pertaining to commercial motor vehicle safety which the Secretary finds under this section may not be in effect and enforced.

(b) Analysis of laws and regulations; Safety Panel; determinations; notification of Secretary

(1) Not later than 18 months after October 30, 1984, and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.

(2) Within 12 months after the date on which the Secretary issues any regulation under section 2505 of this Appendix or within 12 months after the date on which a State law or regulation is determined under paragraph (1) to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel—

(A) shall determine if such law or regulation—

(i) has the same effect as;

(ii) is less stringent than; or

(iii) is additional to or more stringent than;

the regulation issued by the Secretary under section 2505 of this Appendix; and

(B) shall determine with respect to any State law or regulation which is determined under subparagraph (A) to be additional to or more stringent than the regulation issued by the Secretary under section 2505 of this Appendix if—

(i) there is no safety benefit associated with such State law or regulation;

(ii) such State law or regulation is incompatible with the regulation issued by the Secretary under section 2505 of this Appendix; or

(iii) enforcement of such State law or regulation would be an undue burden on interstate commerce; and

(C) shall notify the Secretary of the determinations made under this subsection with respect to such State law or regulation.

(c) Review; Secretary; rulemaking proceeding; effect of State laws; stringency of laws; determinations of Safety Panel; burden on interstate commerce

(1) The Secretary shall review each State law and regulation pertaining to commercial motor vehicle safety. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation under subsection (b) of this section, the Secretary (A) shall conduct a rulemaking proceeding to determine in accordance with the provisions of this subsection whether or not such law or regulation may be in effect and enforced with respect to commercial motor vehicles, and (B) shall issue a final rule in such rulemaking proceeding.

(2) If the Secretary finds that the State law or regulation has the same effect as a regulation issued by the Secretary under section 2505 of this Appendix, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on October 30, 1984.

(3) If the Secretary finds that the State law or regulation is less stringent than a regulation issued by the Secretary under section 2505 of this Appendix, the State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on October 30, 1984.

(4) If the Secretary finds that the State law or regulation is additional to or more stringent than a regulation issued by the Secretary under section 2505 of this Appendix, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on October 30, 1984; except that if the Secretary finds that—

(A) there is no safety benefit associated with such State law or regulation;

(B) such State law or regulation is incompatible with the regulation issued by the Secretary under section 2505 [1] of this Appendix; or

(C) enforcement of such State law or regulation would be an undue burden on interstate commerce;

such State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of such 60-month period.

(5)(A) In making any determination with respect to any State law or regulation under this subsection, the Secretary shall give great weight to the corresponding determination made by the Safety Panel with respect to such

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[1] See Codification note below.

State law or regulation under subsection (b) of this section.

(B) In determining under paragraph (4) whether or not a law or regulation of a State will unduly burden interstate commerce, the Secretary may consider the effect upon interstate commerce of implementation of such law or regulation along with implementation of all similar laws and regulations of other States.

(d) Petition; waiver; grant of

(1) Any person (including any State) may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation may not be in effect and enforced under this section. The Secretary shall grant such waiver, as expeditiously as possible, if such person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles.

(2) The decision to grant or deny a petition for a waiver submitted under this subsection shall only be made after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

(e) Consolidation of rulemaking proceedings

The Secretary may consolidate rulemaking proceedings under this section if the Secretary determines that such consolidation will not adversely affect any party to any of such proceedings.

(f) Notification of States by Secretary

Not later than 10 days after making a determination under subsection (c) of this section that a State law or regulation may not be in effect and enforced, the Secretary shall notify, in writing, such State of such determination.

(g) Judicial review; finality of review; remedies under other laws

(1) Not later than 60 days after the Secretary makes a determination under subsection (c) of this section with respect to a State law or regulation or grants or denies a petition for a waiver under subsection (d) of this section, any person (including any State) adversely affected by such determination or the grant or denial of such petition may file, with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such determination or the grant or denial of such petition.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review in accordance with chapter 7 of title 5 such determination or the grant or denial of the petition for such waiver and to grant appropriate relief, including interim relief, as provided in such chapter.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such determination or the grant or denial of the petition for such waiver shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(h) Extension of periods

The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period referred to in section 2506(a) of this Appendix and subsections (a) and (c) of this section.

(i) Secretary; review on own initiative; after 48-month period

After the last day of the 48-month period beginning on October 30, 1984, the Secretary, on his or her own initiative or on petition of any interested person (including any State), may initiate a rulemaking proceeding to review under this section any State law or regulation pertaining to commercial motor vehicle safety.

(Pub. L. 98-554, title II, § 208, Oct. 30, 1984, 98 Stat. 2836.)

CODIFICATION

Section 2505 of this Appendix, referred to in subsec. (c)(4)(B), was in the original "section 6" and was translated as if the reference was to section 206 to reflect the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2503, 2508, 2509 of this Appendix.

§ 2508. Commercial Motor Vehicle Safety Regulatory Review Panel

(a) Establishment of panel

As soon as practicable after October 30, 1984, the Secretary shall establish a panel to analyze and review State laws and regulations under sections 2506 and 2507 of this Appendix. The panel established under this section shall be known as the "Commercial Motor Vehicle Safety Regulatory Review Panel".

(b) Functions

The Safety Panel shall—

(1) carry out those duties designated to be carried out by the Safety Panel under sections 2506 and 2507 of this Appendix;

(2) conduct a study—

(A) to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued by the Secretary under section 2505 of this Appendix; and

(B) to determine other methods of furthering the objectives of this chapter; and

(3) make recommendations to the Secretary based on the results of such study.

(c) Composition

The Safety Panel shall be composed of 15 members as follows:

(1) The Secretary or his or her delegate.

(2) Seven individuals appointed by the Secretary from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(3) Seven individuals appointed by the Secretary from among persons who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half of such appointments, from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of such committees shall submit to the Secretary the names of twenty individuals qualified to serve on the Safety Panel.

(d) Vacancies; quorum; Chairman; meetings; term of members; compensation

(1) A vacancy in the Safety Panel shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(2) Eight members of the Safety Panel shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(3) The Chairman of the Safety Panel shall be the Secretary.

(4) The Safety Panel shall meet at the call of the Chairman or a majority of its members.

(5) Members of the Safety Panel shall be appointed for a term of seven years.

(6) Members of the Safety Panel shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5.

(e) Detail of personnel of Department of Transportation

Upon request of the Safety Panel, the Secretary shall detail such of the personnel of the Department of Transportation to the Safety Panel as may be necessary to assist the Safety Panel in carrying out its duties under this chapter.

(f) Office space, supplies, equipment, staff, etc.; Secretary to provide

Upon request of the Safety Panel, the Secretary shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary for the Safety Panel to carry out its duties under this chapter.

(g) Hearings; oaths

The Safety Panel or any member authorized by the Safety Panel may, for the purpose of carrying out the duties of the Safety Panel under this chapter, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel under this chapter. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.

(h) Temporary and intermittent services

Subject to such rules as the Safety Panel may prescribe, the Chairman of the Safety Panel may procure temporary and intermittent services under section 3109(b) of title 5.

(Pub. L. 98-554, title II, § 209, Oct. 30, 1984, 98 Stat. 2838.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2503 of this Appendix.

§ 2509. Inspection

(a) Requirement under Federal regulations

Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations.

(b) Establishment of Federal standards

The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles and retention by employers of records of such inspections. Such standards shall provide for annual or more frequent inspections of commercial motor vehicles unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. For purposes of this chapter, such standards shall be deemed to be regulations issued by the Secretary under section 2505 of this Appendix.

(c) Rulemaking; comments on procedures; amendments to regulations; effective date

Not later than 60 days after October 30, 1984, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection and retention procedures established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than one year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(d) Effect on State laws and regulations; preemption

(1) Except as provided in paragraph (2), nothing in section 2302 of this Appendix or section 2507 of this Appendix or any other provision of this chapter shall be construed as—

(A) preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which the Secretary determines is as effective as the Federal standards established under subsection (b) of this section;

(C) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which meets the requirements for membership in the Commercial Vehicle Safety Alliance as such requirements were in effect on October 30, 1984; and

(D) requiring any State which has in effect and is enforcing a program described in subparagraph (B) or (C) to enforce any Federal standard established under subsection (b) of this section or to adopt any provision pertaining to inspection of commercial motor vehicles in addition to such program in order to comply with such Federal standards.

(2) If, after notice and an opportunity for a hearing, the Secretary determines that any State which has in effect and is enforcing a program described in paragraph (1)(C) of this subsection is not enforcing such program in a manner which achieves the objectives of this section, and if, after making such determination, the Secretary provides such State with a six month period in which to improve the enforcement of such program to achieve the objectives of this section, the Federal standards established under subsection (b) of this section shall preempt such program with respect to the inspection of commercial motor vehicles in such State and such program shall not be in effect and enforced with respect to such vehicles.

(e) Periodic inspections; adequacy of; random inspection

A periodic inspection of a commercial motor vehicle in accordance with the Federal standards established under subsection (b) of this section or in accordance with a program described in subparagraph (B) or (C) of subsection (d)(1) of this section which is in effect and being enforced shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

(f) Effect of Federal standards

The Federal standards established under subsection (b) of this section shall have no effect and shall not be enforced with respect to the inspection of commercial motor vehicles in any State which has in effect and is enforcing a program described in subparagraph (B) or (C) of subsection (d)(1) of this section if the Secretary determines that such Federal standards not having effect and being enforced with respect to such inspection is in the public interest and consistent with public safety.

(Pub. L. 98-554, title II, § 210, Oct. 30, 1984, 98 Stat. 2839.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2503 of this Appendix.

§ 2510. Powers of Secretary

(a) Demonstration and training activities

The Secretary may conduct, directly or indirectly, such studies and such development, demonstration, and training activities as the Secretary considers appropriate to develop regulations authorized to be issued under section 2505 of this Appendix, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such regulations.

(b) Authority of Secretary; delegation of authority to States

In carrying out the Secretary's functions under this chapter, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for studies, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this chapter, or regulations issued pursuant to section 2302 of this Appendix. The Secretary may delegate to a State which is receiving a grant under such section such functions respecting the enforcement (including investigations) of the provisions of this chapter and regulations issued under this chapter as the Secretary determines appropriate to carry out such provisions and regulations.

(c) Consultation with employers and employees

To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

(Pub. L. 98-554, title II, § 211, Oct. 30, 1984, 98 Stat. 2841.)

§ 2511. Duty to investigate; complaints; protection of complainants

(a) Authority of Secretary

The Secretary shall timely investigate any nonfrivolous written complaint alleging that a substantial violation of any regulation issued under this chapter is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Disclosure of identity of complainant; protection

Notwithstanding the provisions of section 552 of title 5, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

(Pub. L. 98-554, title II, § 212, Oct. 30, 1984, 98 Stat. 2841.)

§ 2512. Certification of safety fitness

(a) Establishment of procedures

The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of title 49. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Report to Congress

Not later than one year after October 30, 1984, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) Supersedure of Federal rules

The rules adopted under this section shall supersede all Federal rules regarding safety fitness and safety rating of motor carriers in effect on October 30, 1984.

(d) Finding of unfitness; Interstate Commerce Commission

Notwithstanding any other provision of law, the Interstate Commerce Commission (1) shall find any applicant for authority to operate as a motor carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and (2) shall deny such application.

(Pub. L. 98-554, title II, § 215, Oct. 30, 1984, 98 Stat. 2844.)

§ 2513. Heavy truck study

(a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. Not later than September 30, 1986, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to conduct the study required under subsection (a) of this section.

(Pub. L. 98-554, title II, § 216, Oct. 30, 1984, 98 Stat. 2845.)

§ 2514. Truck occupant protection

(a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. Such study shall also include potential performance standards, if any, to be met by truck manufacturers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after October 30, 1984.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by subsection (a) of this section.

(Pub. L. 98-554, title II, § 217, Oct. 30, 1984, 98 Stat. 2845.)

§ 2515. Study of safety performance of commercial motor vehicles

(a) The Secretary shall conduct a study of the safety performance of commercial motor vehicles. The study shall examine the effectiveness of individual State regulations governing the operations of such vehicles in promoting safety. Such study shall also investigate the need to subject such operations, in whole or in part, to the commercial motor vehicle safety regulations issued under this chapter. The Secretary shall submit to Congress a report on the findings of the investigation and study conducted under this subsection not later than two years after October 30, 1984.

(b) For purposes of this subsection, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in intrastate commerce to transport passengers or property if such vehicle is described in subparagraph (A), (B), or (C) of section 2503(1) of this Appendix.

(Pub. L. 98-554, title II, § 218, Oct. 30, 1984, 98 Stat. 2845.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2503 of this Appendix.

§ 2516. Study of safety-related devices

(a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety.

The Secretary shall submit to the Congress a report containing the findings of this study not later than 18 months after October 30, 1984.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by this section.

(Pub. L. 98–554, title II, § 219, Oct. 30, 1984, 98 Stat. 2846.)

§ 2517. Safety study; Federal coordination

(a) Health hazards; protecting operators of motor vehicles; report to Congress

The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within one year after October 30, 1984.

(b) Coordination; minimization of paperwork burdens

The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination and to avoid overlap and the imposition of undue burdens on persons subject to regulations under this chapter.

(Pub. L. 98–554, title II, § 220, Oct. 30, 1984, 98 Stat. 2846.)

§ 2518. Relationship to other laws

Except as provided in section 2505(b) of this Appendix, the provisions of this chapter and the regulations issued under this chapter shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801–1812) or any regulation issued by the Secretary under such Act.

(Pub. L. 98–554, title II, § 221, Oct. 30, 1984, 98 Stat. 2846.)

REFERENCES IN TEXT

The Hazardous Materials Transportation Act, referred to in text, is title I of Pub. L. 93–633, Jan. 3, 1975, 88 Stat. 2156, as amended, which is classified principally to chapter 27 (§ 1801 et seq.) of this Appendix. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this Appendix and Tables.

§ 2519. Limitation on authority

(a) Regulations

Nothing in this chapter confers authority on the Secretary to (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations; except that the Secretary may establish or maintain such Federal regulations to the extent that the subject matter of such regulations is, on October 30, 1984, regulated under parts 390 to 399 of title 49 of the Code of Federal Regulations.

(b) Manufacture of commercial motor vehicles

Nothing in this chapter confers authority on the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

(Pub. L. 98–554, title II, § 229, Oct. 30, 1984, 98 Stat. 2853.)

§ 2520. Oversight

The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the effects of this chapter no less often than annually for the first five years following October 30, 1984, to ensure that this Act is being implemented according to congressional intent and the purposes of this chapter.

(Pub. L. 98–554, title II, § 230, Oct. 30, 1984, 98 Stat. 2853.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 98–554, Oct. 30, 1984, 98 Stat. 2829. Title I (§ 101 et seq.) of this Act, known as the Tandem Truck Safety Act of 1984, amended the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301 et seq.). Title II (§ 201 et seq.) of this Act, known as the Motor Carrier Safety Act of 1984, enacted this chapter. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 2301 of this Appendix, Short Title note set out under section 2501 of this Appendix, and Tables.

CHAPTER 35—COMMERCIAL SPACE LAUNCH

Sec.

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§ 2601. Congressional findings

The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created, and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, thereby contributing to the national interest and economic well-being of the United States;

(6) provision of launch services by the private sector is consistent with the national security interests and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied; and

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate such launches and services in order to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

(Pub. L. 98-575, § 2, Oct. 30, 1984, 98 Stat. 3055.)

EFFECTIVE DATE

Section 25 of Pub. L. 98-575 provided that:

"(a) Except for section 15 [section 2614 of this Appendix] and the authority to issue regulations, this Act [this chapter] shall take effect 180 days after the date of enactment of this Act [Oct. 30, 1984].

"(b) Section 15 [section 2614 of this Appendix] shall take effect on the date of enactment of this Act [Oct. 30, 1984], except that nothing in this Act [this chapter] shall affect any agreement, including negotiations which are substantially completed, relating to the acquisition of launch property or launch services of the United States entered into on or before the date of enactment of this Act [Oct. 30, 1984] between the United States and any private party.

"(c) Regulations to implement this Act [this chapter] shall be promulgated not later than 180 days after the date of enactment of this Act [Oct. 30, 1984]."

SHORT TITLE

Section 1 of Pub. L. 98-575 provided that: "This Act [enacting this chapter] may be cited as the 'Commercial Space Launch Act'."

§ 2602. Congressional statement of purpose

It is therefore the purpose of this chapter—

(1) to promote economic growth and entrepreneurial activity through utilization of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles and associated launch services by simplifying and expediting the issuance and transfer of commercial launch licenses and by facilitating and encouraging the utilization of Government-developed space technology; and

(3) to designate an executive department to oversee and coordinate the conduct of commercial launch operations, to issue and transfer commercial launch licenses authorizing such activities, and to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

(Pub. L. 98-575, § 3, Oct. 30, 1984, 98 Stat. 3055.)

§ 2603. Definitions

For purposes of this chapter—

(1) "agency" means an executive agency as defined by section 105 of title 5;

(2) "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(3) "launch property" means propellants, launch vehicles and components thereof, and

other physical items constructed for or used in the launch preparation or launch of a launch vehicle;

(4) "launch services" means those activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(5) "launch site" means the location on Earth from which a launch takes place, as defined in any license issued or transferred by the Secretary under this chapter, and includes all facilities located on a launch site which are necessary to conduct a launch;

(6) "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space and any suborbital rocket;

(7) "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(8) "person" means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or any nation;

(9) "Secretary" means the Secretary of Transportation;

(10) "State",[1] and "United States" when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

(11) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State; and

(C) any corporation, partnership, joint venture, association, or other entity which is organized or exists under the laws of a foreign nation, if the controlling interest (as defined by the Secretary in regulations) in such entity is held by an individual or entity described in subparagraph (A) or (B).

(Pub. L. 98-575, § 4, Oct. 30, 1984, 98 Stat. 3056.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2605 of this Appendix.

§ 2604. General responsibilities of Secretary and Federal agencies

(a) The Secretary shall be responsible for carrying out this chapter, and in doing so shall—

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) consult with other agencies to provide consistent application of licensing requirements under this chapter and to ensure fair and equitable treatment for all license applicants.

(b) To the extent permitted by law, Federal agencies shall assist the Secretary, as necessary, in carrying out this chapter.

(Pub. L. 98-575, § 5, Oct. 30, 1984, 98 Stat. 3057.)

§ 2605. Requirement of license for private space launch operations

(a) Geographical restrictions

(1) No person shall launch a launch vehicle or operate a launch site within the United States, unless authorized by a license issued or transferred under this chapter.

(2) No United States citizen described in subparagraph (A) or (B) of section 2603(11) of this Appendix shall launch a launch vehicle or operate a launch site outside the United States, unless authorized by a license issued or transferred under this chapter.

(3)(A) No United States citizen described in subparagraph (C) of section 2603(11) of this Appendix shall launch a launch vehicle or operate a launch site at any place which is both outside the United States and outside the territory of any foreign nation, unless authorized by a license issued or transferred under this chapter. The preceding sentence shall not apply with respect to a launch or operation of a launch site if there is an agreement in force between the United States and a foreign nation which provides that such foreign nation shall exercise jurisdiction over such launch or operation.

(B)(i) Except as provided in clause (ii) of this subparagraph, this chapter shall not apply to the launch of a launch vehicle or the operation of a launch site in the territory of a foreign nation by a United States citizen described in subparagraph (C) of section 2603(11) of this Appendix.

(ii) If there is an agreement in force between the United States and a foreign nation which provides that the United States shall exercise jurisdiction over the launch of a launch vehicle or operation of a launch site in the territory of such nation by a United States citizen described in subparagraph (C) of section 2603(11) of this Appendix, no such United States citizen shall launch a launch vehicle or operate a launch site in the territory of such nation, unless authorized by a license issued or transferred under this chapter.

(b) Compliance with payload requirements

(1) The holder of a launch license under this chapter shall not launch a payload unless that payload complies with all requirements of Federal law that relate to the launch of a payload. The Secretary shall ascertain whether any license, authorization, or other permit required by Federal law for a payload which is to be launched has been obtained.

(2) If no payload license, authorization, or permit is required by any Federal law, the Secretary may take such action under this chapter as the Secretary deems necessary to prevent the launch of a payload by a holder of a launch license under this chapter if the Secretary determines that the launch of such payload would jeopardize the public health and safety, safety of property, or any national security in-

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[1] So in original. The comma probably should not appear.

terest or foreign policy interest of the United States.

(c) Authority of other agencies

(1) Except as provided in this chapter, no person shall be required to obtain from any agency a license, approval, waiver, or exemption for the launch of a launch vehicle or the operation of a launch site.

(2) Nothing in this chapter shall affect the authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or the authority of the Secretary of Commerce under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.).

(Pub. L. 98-575, § 6, Oct. 30, 1984, 98 Stat. 3057.)

References in Text

The Communications Act of 1934, referred to in subsec. (c)(2), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to section 151 et seq. of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

The Land Remote-Sensing Commercialization Act of 1984, referred to in subsec. (c)(2), is Pub. L. 98-365, July 17, 1984, 98 Stat. 451, which is classified principally to chapter 68 (§ 4201 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 4201 of Title 15 and Tables.

Section Referred to in Other Sections

This section is referred to in sections 2611, 2613 of this Appendix.

§ 2606. Authority to issue and transfer licenses

The Secretary may, consistent with the public health and safety, safety of property, and national security interests and foreign policy interests of the United States, issue or transfer a license for launching one or more launch vehicles or for operating one or more launch sites, or both, to an applicant who meets the requirements for a license under section 2607 of this Appendix. Any license issued or transferred under this section shall be in effect for such period of time as the Secretary may specify, in accordance with regulations issued under this chapter.

(Pub. L. 98-575, § 7, Oct. 30, 1984, 98 Stat. 3058.)

§ 2607. Licensing requirements

(a) Applicability of other Federal requirements

(1) All requirements of Federal law which apply to the launch of a launch vehicle or the operation of a launch site shall be requirements for a license under this chapter for the launch of a launch vehicle or the operation of a launch site, respectively, except to the extent provided in paragraph (2).

(2) If the Secretary determines, in consultation with appropriate agencies, that any requirement of Federal law that would otherwise apply to the launch of a launch vehicle or the operation of a launch site is not necessary to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States, the Secretary may by regulation provide that such requirement shall not be a requirement for a license under this chapter.

(b) Additional requirements

The Secretary may, with respect to launches and the operation of launch sites, prescribe such additional requirements as are necessary to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

(c) Waiver

The Secretary may, in individual cases, waive the application of any requirement for a license under this section if the Secretary determines that such waiver is in the public interest and will not jeopardize the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

(Pub. L. 98-575, § 8, Oct. 30, 1984, 98 Stat. 3058.)

Section Referred to in Other Sections

This section is referred to in section 2606 of this Appendix.

§ 2608. License application and approval

(a) Application procedures

Any person may apply to the Secretary for issuance or transfer of a license under this chapter, in such form and manner as the Secretary may prescribe. The Secretary shall establish procedures and timetables to expedite review of applications under this section and to reduce regulatory burdens for applicants.

(b) Eligibility of applicant; conditions of license

The Secretary shall issue or transfer a license to an applicant if the Secretary determines in writing that the applicant complies and will continue to comply with the requirements of this chapter and any regulation issued under this chapter. The Secretary shall include in such license such conditions as may be necessary to ensure compliance with this chapter, including an effective means of on-site verification that a launch or operation of a launch site conforms to representations made in the application for a license or transfer of a license. The Secretary shall make a determination on any application not later than 180 days after receipt of such application. If the Secretary has not made a determination within 120 days after receipt of such application, the Secretary shall inform the applicant of any pending issues and of actions required to resolve such issues.

(c) Disclosure of qualified information

The Secretary, any officer or employee of the United States, or any person with whom the Secretary has entered into a contract under section 2613(b) of this Appendix may not disclose any data or information under this chapter which qualifies for exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or agency furnishing such data or information, unless the Secretary determines that the withholding of such data or information is contrary to the public or national interest.

(Pub. L. 98-575, § 9, Oct. 30, 1984, 98 Stat. 3058.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2611 of this Appendix.

§ 2609. Suspension, revocation, and modification of licenses

(a) Grounds for suspension or revocation

The Secretary may suspend or revoke any license issued or transferred under this chapter if the Secretary finds that the licensee has substantially failed to comply with any requirement of this chapter, the license, or any regulation issued under this chapter, or that the suspension or revocation is necessary to protect the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

(b) Procedures for modification

Upon application by the licensee or upon the Secretary's own initiative, the Secretary may modify a license issued or transferred under this chapter, if the Secretary finds that the modification will comply with the requirements of this chapter.

(c) Commencement and duration

Unless otherwise specified by the Secretary, any suspension, revocation, or modification by the Secretary under this section—

(1) shall take effect immediately; and

(2) shall continue in effect during any review of such action under section 2611 of this chapter.

(d) Notification of action

Whenever the Secretary takes any action under this section, the Secretary shall notify the licensee in writing of the Secretary's finding and the action which the Secretary has taken or proposes to take regarding such finding.

(Pub. L. 98–575, § 10, Oct. 30, 1984, 98 Stat. 3059.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2611 of this Appendix.

§ 2610. Termination, prohibition, or suspension of launch or operation of launch site

(a) The Secretary may terminate, prohibit, or suspend immediately the launch of a launch vehicle or the operation of a launch site which is licensed under this chapter if the Secretary determines that such launch or operation is detrimental to the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

(b) An order terminating, prohibiting, or suspending any launch or operation of a launch site licensed by the Secretary under this chapter shall take effect immediately and shall continue in effect during any review of such order under section 2611 of this Appendix.

(Pub. L. 98–575, § 11, Oct. 30, 1984, 98 Stat. 3059.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2611 of this Appendix.

§ 2611. Administrative and judicial review

(a) Right to a hearing; determination on the record

(1) An applicant for a license and a proposed transferee of a license under this chapter shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5 of any decision of the Secretary under section 2608(b) of this Appendix to issue or transfer a license with conditions or to deny the issuance or transfer of such license. An owner or operator of a payload shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5 of any decision of the Secretary under section 2605(b)(2) of this Appendix to prevent the launch of such payload.

(2) A licensee under this chapter shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5 of any decision of the Secretary—

(A) under section 2609 of this Appendix to suspend, revoke, or modify a license; or

(B) under section 2610 of this Appendix to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary.

(b) Judicial review of final actions of Secretary

Any final action of the Secretary under this chapter to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary or to prevent the launch of a payload shall be subject to judicial review as provided in chapter 7 of title 5.

(Pub. L. 98–575, § 12, Oct. 30, 1984, 98 Stat. 3060.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2609, 2610 of this Appendix.

§ 2612. Regulations

The Secretary may issue such regulations, after notice and comment in accordance with section 553 of title 5, as may be necessary to carry out this chapter.

(Pub. L. 98–575, § 13, Oct. 30, 1984, 98 Stat. 3060.)

§ 2613. Monitoring of activities of licensee; observers

(a) Each license issued or transferred under this chapter shall require the licensee—

(1) to allow the Secretary to place Federal officers or employees or other individuals as observers at any launch site used by the licensee, at any production facility or assembly site used by a contractor of the licensee in the production or assembly of a launch vehicle, or at any site where a payload is integrated with a launch vehicle, in order to monitor the ac-

tivities of the licensee or contractor at such time and to such extent as the Secretary considers reasonable and necessary to determine compliance with the license or to carry out the responsibilities of the Secretary under section 2605(b) of this Appendix; and

(2) to cooperate with such observers in the performance of monitoring functions.

(b) The Secretary may, to the extent provided in advance by appropriation Acts, enter into a contract with any person to carry out subsection (a)(1) of this section.

(Pub. L. 98-575, § 14, Oct. 30, 1984, 98 Stat. 3060.)

Section Referred to in Other Sections

This section is referred to in section 2608 of this Appendix.

§ 2614. Use of Government property

(a) Authority of Secretary

The Secretary shall take such actions as may be necessary to facilitate and encourage the acquisition (by lease, sale, transaction in lieu of sale, or otherwise) by the private sector of launch property of the United States which is excess or is otherwise not needed for public use and of launch services, including utilities, of the United States which are otherwise not needed for public use.

(b) Acquisition and payment by private sector

(1) The amount to be paid to the United States by any person who acquires launch property or launch services, including utilities, shall be established by the agency providing the property or service, in consultation with the Secretary. In the case of acquisition of launch property by sale or transaction in lieu of sale, the amount of such payment shall be the fair market value. In the case of any other type of acquisition of launch property, the amount of such payment shall be an amount equal to the direct costs (including any specific wear and tear and damage to the property) incurred by the United States as a result of the acquisition of such launch property. In the case of any acquisition of launch services, including utilities, the amount of such payment shall be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the acquisition of such launch services.

(2) The Secretary may collect any payment for launch property or launch services, with the consent of the agency establishing such payment under paragraph (1).

(3) The amount of any payment received by the United States for launch property or launch services, including utilities, under this subsection shall be deposited in the general fund of the Treasury, and the amount of a payment for launch property (other than launch property which is excess) and launch services (including utilities) shall be credited to the appropriation from which the cost of providing such property or services was paid.

(c) Establishment of assurances to protect United States from liability, loss, or injury

The Secretary may establish requirements for liability insurance, hold harmless agreements, proof of financial responsibility, and such other assurances as may be needed to protect the United States and its agencies and personnel from liability, loss, or injury as a result of a launch or operation of a launch site involving Government facilities or personnel.

(Pub. L. 98-575, § 15, Oct. 30, 1984, 98 Stat. 3060.)

Effective Date

Section effective Oct. 30, 1984, except that nothing shall affect any agreement, including negotiations, which are substantially completed, relating to the acquisition of launch property or launch services of the United States entered into on or before Oct. 30, 1984, between the United States and any private party, see section 25(b) of Pub. L. 98-575, set out as a note under section 2601 of this Appendix.

§ 2615. Liability insurance

Each person who launches a launch vehicle or operates a launch site under a license issued or transferred under this chapter shall have in effect liability insurance at least in such amount as is considered by the Secretary to be necessary for such launch or operation, considering the international obligations of the United States. The Secretary shall prescribe such amount after consultation with the Attorney General and other appropriate agencies.

(Pub. L. 98-575, § 16, Oct. 30, 1984, 98 Stat. 3061.)

§ 2616. Enforcement authority

(a) Authority of Secretary

The Secretary shall enforce this chapter. The Secretary may delegate the exercise of any enforcement authority under this chapter to any officer or employee of the Department of Transportation or, with the approval of the head of another agency, any officer or employee of such agency.

(b) Power to investigate, inspect, or seize

In carrying out this section, the Secretary may—

(1) make investigations and inquiries, and administer to or take from any person an oath, affirmation, or affidavit, concerning any matter relating to enforcement of this chapter; and

(2) pursuant to any lawful process—

(A) enter at any reasonable time any launch site, production facility, or assembly site of a launch vehicle, or any site where a payload is integrated with a launch vehicle, for the purpose of inspecting any object which is subject to this chapter and any records or reports required by the Secretary to be made or kept under this chapter; and

(B) seize any such object, record, or report where there is probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this chapter.

(Pub. L. 98-575, § 17, Oct. 30, 1984, 98 Stat. 3061.)

§ 2617. Prohibited acts

It is unlawful for any person to violate a requirement of this chapter, a regulation issued under this chapter, or any term, condition, or restriction of any license issued or transferred by the Secretary under this chapter.

(Pub. L. 98-575, § 18, Oct. 30, 1984, 98 Stat. 3062.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2618 of this Appendix.

§ 2618. Civil penalties

(a) Amount; separate violations

Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, to have committed any act prohibited by section 2617 of this Appendix shall be liable to the United States for a civil penalty of not more than $100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) Failure to pay

If any person fails to pay a civil penalty assessed against such person after the penalty has become final or if such person appeals an order of the Secretary and the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) Authority of Secretary

For purposes of conducting any hearing under this section, the Secretary may (1) issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records, (2) seek enforcement of such subpoenas in the appropriate district court of the United States, and (3) administer oaths and affirmations.

(Pub. L. 98-575, § 19, Oct. 30, 1984, 98 Stat. 3062.)

§ 2619. Consultation

(a) Matters of national defense

The Secretary shall consult with the Secretary of Defense on all matters, including the issuance or transfer of each license, under this chapter affecting national security. The Secretary of Defense shall be responsible for identifying and notifying the Secretary of those national security interests of the United States which are relevant to activities under this chapter.

(b) Matters of foreign policy

The Secretary shall consult with the Secretary of State on all matters, including the issuance or transfer of each license, under this chapter affecting foreign policy. The Secretary of State shall be responsible for identifying and notifying the Secretary of those foreign policy interests or obligations of the United States which are relevant to activities under this chapter.

(c) Other matters

The Secretary shall consult with other agencies, as appropriate, in order to carry out the provisions of this chapter.

(Pub. L. 98-575, § 20, Oct. 30, 1984, 98 Stat. 3062.)

§ 2620. Relationship to other laws and international obligations

(a) Federal preemption

No State or political subdivision of a State may adopt or have in effect any law, rule, regulation, standard, or order which is inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State or a political subdivision of a State from adopting or putting into effect any law, rule, regulation, standard, or order which is consistent with this chapter and is in addition to or more stringent than any requirement of or regulation issued under this chapter. The Secretary may, and is encouraged to, consult with the States to simplify and expedite the approval of space launch activities.

(b) Inapplicability of exports laws

A launch vehicle or payload shall not, by reason of the launching of such vehicle or payload, be considered an export for purposes of any law controlling exports.

(c) Activities not within chapter

Nothing in this chapter shall apply to—

(1) any—

(A) launch or operation of a launch vehicle,

(B) operation of a launch site, or

(C) other space activity,

carried out by the United States on behalf of the United States; or

(2) any planning or policies relating to any such launch, operation, or activity.

(d) Effect of treaty, convention, or agreement with foreign nations

The Secretary shall carry out this chapter consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign nation. In carrying out this chapter, the Secretary shall consider applicable laws and requirements of any foreign nation.

(Pub. L. 98-575, § 21, Oct. 30, 1984, 98 Stat. 3063.)

§ 2621. Reports to Congress

(a) Not later than the last day of each fiscal year ending after October 30, 1984, and before October 1, 1989, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches.

(b) Not later than July 1, 1985, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which identifies Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial launches and include recommendations on appropriate changes thereto.

(Pub. L. 98-575, § 22, Oct. 30, 1984, 98 Stat. 3063.)

§ 2622. Severability

If any provision of this chapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter and the application of such provision to any other person or circumstance shall not be affected by such invalidation.

(Pub. L. 98-575, § 23, Oct. 30, 1984, 98 Stat. 3063.)

§ 2623. Authorization of appropriations

There are authorized to be appropriated to the Secretary $4,000,000 for fiscal year 1985. There is authorized to be appropriated to the Secretary to carry out this chapter $586,000 for fiscal year 1986.

(Pub. L. 98-575, § 24, Oct. 30, 1984, 98 Stat. 3064; Pub. L. 99-170, title III, § 301, Dec. 5, 1985, 99 Stat. 1018.)

AMENDMENTS

1985—Pub. L. 99-170 added authorization of appropriations for fiscal year 1986.

TITLE 50—WAR AND NATIONAL DEFENSE

CHAPTER 5—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

SUBCHAPTER III—ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

Subchapter Referred to in Other Sections

This subchapter is referred to in section 2093 of Appendix to this title; title 7 sections 1301, 1743, 1745, 1856; title 15 section 714b; title 30 section 1604; title 31 section 5116; title 40 section 474; title 42 section 5821.

§ 98. Short title

Ex. Ord. No. 12155. Delegation of Functions of President

Ex. Ord. No. 12155, Sept. 10, 1979, 44 F.R. 53071, as amended by Ex. Ord. No. 12417, May 2, 1983, 48 F.R. 20035, provided:

[*See main edition for text of first par., Secs. 1-101 to 1-106*]

1-107. The functions vested in the President by section 5(a)(2) of the Act, as amended (50 U.S.C. 98d), are delegated to the Director of the Federal Emergency Management Agency.

§ 98d. Authority for stockpile operations

[*See main edition for text of* (*a*)]

(b) Disposal

Except for disposals made under the authority of paragraph (4) or (5) of section 98e(a) of this title or under section 98f(a) of this title, no disposal may be made from the stockpile (1) unless such disposal, including the quantity of the material to be disposed of, has been specifically authorized by law, or (2) if the disposal would result in there being an unobligated balance in the National Defense Stockpile Transaction Fund in excess of $250,000,000.

[*See main edition for text of* (*c*)]

(As amended Oct. 19, 1984, Pub. L. 98-525, title IX, § 903(a), 98 Stat. 2573.)

Amendment of Subsection (b)(2)

Pub. L. 98-525, title IX, § 903(b), Oct. 19, 1984, 98 Stat. 2573, as amended by Pub. L. 99-145, title XVI, § 1611(b), Nov. 8, 1985, 99 Stat. 776, provided that, effective Oct. 1, 1987, subsection (b)(2) of this section is amended by substituting "$100,000,000" for "$250,000,000".

Amendments

1984—Subsec. (b)(2). Pub. L. 98-525, § 903(a), substituted "an unobligated balance" for "a balance" where first appearing and "$250,000,000" for "$1,000,000,000 or, in the case of a disposal to be made after September 30, 1983, if the disposal would result in there being a balance in the fund in excess of $500,000,000".

Delegation of Functions

Functions of the President under subsec. (a)(2) of this section, were delegated to the Director of the Federal Emergency Management Agency by section 1-107 of Ex. Ord. No. 12155, as amended, set out under section 98 of this title.

Prohibition of Reductions in Stockpile Goals

Pub. L. 99-145, title XVI, § 1612, Nov. 8, 1985, 99 Stat. 776, provided that:

"(a) Freeze on Goals.—(1) No action may be taken before October 1, 1986, to implement or administer any change in a stockpile goal in effect on October 1, 1984, that results in a reduction in the quality or quantity of any strategic and critical material to be acquired for the National Defense Stockpile.

"(b) Definition.—For purposes of subsection (a), the term 'stockpile goal' means a determination made by the President under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) with respect to the National Defense Stockpile."

Termination of Previous Disposal Authority; Authorizations for Disposal

Pub. L. 98-525, title IX, §§ 901, 902, Oct. 19, 1984, 98 Stat. 2573, provided that:

"Sec. 901. (a) Any authority provided by law before the date of the enactment of this Act [Oct. 19, 1984] to enter into contracts for the disposal of materials in the National Defense Stockpile established by section 3 of the Strategic and Critical Materials Stock Piling Act (hereinafter in this title referred to as "the Act") (50 U.S.C. 98b) shall expire on September 30, 1984.

"Sec. 902. Effective on October 1, 1984, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile in accordance with the provisions of the Act [this chapter], such quantities having been determined to be excess to the current requirements of the stockpile:

"(1) 3,200 short tons of antimony.

"(2) 5,600 short tons of asbestos, chrysotile.

"(3) 7,500,000 carats of diamond stones.

"(4) 51,210 short dry tons of manganese dioxide battery natural.

"(5) 292,000 short dry tons of metallurgical grade manganese.

"(6) 5,000 flasks of mercury.

"(7) 500,000 pounds of mercuric oxide.

"(8) 1,000,000 pounds of mica, muscovite film first and second qualities.

"(9) 1,000,000 pounds of mica, muscovite splittings.

"(10) 50,000 pounds of mica, phlogopite splittings.

"(11) 167 short tons of mica block and lump.

"(12) 100,000 pounds of quartz crystals.

"(13) 10,000,000 troy ounces of silver.

"(14) 125,000 pounds of talc, block and lump.

"(15) 50,000 pounds of thorium nitrate.

"(16) 20,000 long tons of tin.

"(17) 2,400,000 pounds of tungsten contained in ores.

"(18) 4,200 long tons of vegetable tannin, chestnut.

"(19) 20,000 long tons of vegetable tannin, quebracho."

§ 98h. National Defense Stockpile Transaction Fund

Deposit of Funds Accruing From Naval Petroleum Reserves

Pub. L. 98-525, title IX, § 905, Oct. 19, 1984, 98 Stat. 2574, as amended by Pub. L. 99-145, title XVI, § 1611(a), Nov. 8, 1985, 99 Stat. 776, provided that: "There shall be deposited into the National Defense Stockpile Transaction Fund established under section 9 of the Act (50 U.S.C. 98h) 30 percent of all money accruing to the United States during fiscal years 1985 and 1986 from lands in the naval petroleum and oil shale reserves (less amounts spent for exploration, development and operation of those reserves and related expenses during that period). Moneys deposited into the Fund under this subsection shall be deemed to have been covered into the Fund under section 9(b) of the Act."

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

§ 191. Regulation of anchorage and movement of vessels during national emergency

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of Transportation may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this title.

(June 15, 1917, ch. 30, title II, § 1, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 1, 64 Stat. 427; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038; Oct. 15, 1966, Pub. L. 89-670, § 6(b)(1), 80 Stat. 938; Sept. 27, 1979, Pub. L. 96-70, title III, § 3302(a), 93 Stat. 498.)

Transfer of Functions

"Secretary of Transportation" was substituted for "Secretary of the Treasury" in first paragraph of text pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred the Coast Guard to the Department of Transportation and transferred to and vested in the Secretary of Transportation all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury. See section 108 of Title 49, Transportation.

§ 191a. Transfer of Secretary of Transportation's powers to Secretary of Navy when Coast Guard operates as part of Navy

When the Coast Guard operates as a part of the Navy pursuant to section 3 of title 14, the powers conferred on the Secretary of Transportation by section 191 of this title, shall vest in and be exercised by the Secretary of the Navy.

(Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763; Oct. 18, 1962, Pub. L. 87-845, § 11, 76A Stat. 699; Oct. 15, 1966, Pub. L. 89-670, § 6(b)(1), 80 Stat. 938.)

Transfer of Functions

"Secretary of Transportation" was substituted for "Secretary of the Treasury" in text pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred the Coast Guard to the Department of Transportation and transferred to and vested in the Secretary of Transportation all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury. See section 108 of Title 49, Transportation.

§ 196. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters

During any period in which vessels may be requisitioned under section 1242 of title 46, Appendix, the President is authorized and empowered through the Secretary of Transportation to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by citizens of the United States which is lying idle in waters within the jurisdiction of the United States and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 1242 of title 46, Appendix. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of section 1242 of title 46, Appendix, shall be made from such fund upon the certificate of the Secretary of Transportation.

[*See main edition for credits*]

CODIFICATION

Section is set out in this supplement to reflect the transfer of section 1242 of title 46, referred to in text, to Title 46, Appendix.

§ 197. Voluntary purchase or charter agreements

During any period in which vessels may be requisitioned under section 1242 of title 46, Appendix, the President is authorized through the Secretary of Transportation to acquire by voluntary agreement of purchase or charter the ownership or use of any merchant vessel not owned by citizens of the United States.

[*See main edition for credits*]

CODIFICATION

Section is set out in this supplement to reflect the transfer of section 1242 of title 46, referred to in text, to title 46, Appendix.

§ 198. Requisitioned vessels

(a) Documentation of vessels

Any vessel not documented under the laws of the United States, acquired by or made available to the Secretary of Transportation under sections 196 to 198 of this title, or otherwise, may, notwithstanding any other provision of law, in the discretion of the Secretary of the department in which the Coast Guard is operating be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of the department in which the Coast Guard is operating may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of sections 196 to 198 of this title, and in accordance with the provisions of subsection (c) of this section, engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this subsection shall be surrendered at any time that such surrender may be ordered by the Secretary of the department in which the Coast Guard is operating. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

(b) Waiver of compliance

The President may, notwithstanding any other provisions of law, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this section to such extent and upon such terms as he finds necessary because of the lack of physical facilities on such vessels, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

(c) Coastwise trade; inspection

Any vessel while documented under the provisions of this section, when chartered under sections 196 to 198 of this title by the Secretary of Transportation to Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Secretary of Transportation, who is authorized to issue permits for such purpose pursuant to such rules and regulations as he may prescribe. The Secretary of Transportation is authorized to prescribe such rules and regulations as he may deem necessary or appropriate to carry out the purposes and provisions of this section. The second paragraph of section 9 of the Shipping Act, 1916, as amended [46 App. U.S.C. 808], shall not apply with respect to vessels chartered to Government agencies or departments or to private operators or otherwise used or disposed of under sections 196 to 198 of this title. Existing laws covering the inspection of steam vessels are made applicable to vessels documented under this section only to such extent and upon such conditions as may be required by regulations of the Secretary of the department in which the Coast Guard is operating: *Provided*, That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

(d) Reconditioning of vessels

The Secretary of Transportation without regard to the provisions of section 5 of title 41 may repair, reconstruct, or recondition any vessels to be utilized under sections 196 to 198 of this title. The Secretary of Transportation and any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under sections 196 to 198 of this title may, with the aid of any funds available and without regard to the provisions of said section 5 of title 41, repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning. The Secretary of Transportation may operate or charter for operation any vessel to be utilized under sections 196 to 198 of this title to private operators, citizens of the United States, or to any department or agency of the United States Government, without regard to the provisions of title VII of the Merchant Marine Act, 1936 [46 App. U.S.C. 1191 et seq.], and any department or agency of the United States Government is authorized to enter into such charters.

(e) Effective period

In case of any voyage of a vessel documented under the provisions of this section begun before the date of termination of an effective period of section 196 of this title, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

(f) "Documented" defined

When used in sections 196 to 198 of this title, the term "documented" means "registered", "enrolled and licensed", or "licensed".

(Aug. 9, 1954, ch. 659, § 3, 68 Stat. 675; Oct. 15, 1966, Pub. L. 89-670, § 6(b)(1), (2), 80 Stat. 938; Aug. 6, 1981, Pub. L. 97-31, § 12(152), 95 Stat. 167.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsec. (d), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended. Title VII of the Merchant Marine Act, 1936 is classified generally to subchapter VII (§ 1191 et seq.) of chapter 27 of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

TRANSFER OF FUNCTIONS

"Secretary of the department in which the Coast Guard is operating" was substituted for "Secretary of the Treasury" in subsec. (a) pursuant to section 6(b)(1), (2) of Pub. L. 89-670, which transferred the Coast Guard to the Department of Transportation and transferred to and vested in the Secretary of Transportation all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of all other officers and offices of the Department of the Treasury, and which provided that notwithstanding such transfer the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by subsec. (a) of this section, see Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of the Appendix to Title 46, Shipping.

CHAPTER 15—NATIONAL SECURITY

SUBCHAPTER I—COORDINATION FOR NATIONAL SECURITY

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403-1. Intelligence Community Staff; appointment of Director.
403e-1. Eligibility for incentive awards.
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  (a) Special policemen: functions and powers; regulations: promulgation and enforcement.
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414. Funding of intelligence activities.
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  (a) Exemption by Director of Central Intelligence.
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  (f) Allegation; improper withholding of records; judicial review.
432. Decennial review of exempted operational files.
  (a) Review by Director of Central Intelligence.
  (b) Consideration; historical value; public interest.
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ACT REFERRED TO IN OTHER SECTIONS

The National Security Act of 1947 is referred to in section 47e of this title; section 469 of Appendix to this title; title 21 section 1203; title 22 section 2291.

§ 401. Congressional declaration of purpose

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-477, § 1, Oct. 15, 1984, 98 Stat. 2209, provided: "That this Act [enacting sections 431 and 432 of this title, amending section 552a of Title 5, Government Organization and Employees, and enacting provisions set out as a note under section 431 of this title] may be cited as the 'Central Intelligence Agency Information Act'."

SUBCHAPTER I—COORDINATION FOR NATIONAL SECURITY

§ 403. Central Intelligence Agency

TEMPORARY RETIREMENT CONTRIBUTIONS AND PROCEDURES FOR CERTAIN PARTICIPANTS

For temporary provisions providing modified contributions and procedures for officers and employees participating in the Central Intelligence Agency Retirement and Disability System who are also required to pay employment taxes relating to benefits under title II of the Social Security Act, 42 U.S.C. 401 et seq., until they are covered by a new Government retirement system or Jan. 1, 1986, whichever is earlier, see title II of Pub. L. 98-168, set out as a note under section 8331 of Title 5, Government Organization and Employees.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Pub. L. 88-643, Oct. 13, 1964, 78 Stat. 1043, as amended by Pub. L. 90-539, Sept. 30, 1968, 82 Stat. 902; Pub. L. 91-185, Dec. 30, 1969, 83 Stat. 847; Pub. L. 91-626, §§ 1-6, Dec. 31, 1970, 84 Stat. 1872-1874; Pub. L. 93-31, May 8, 1973, 87 Stat. 65; Pub. L. 93-210, § 1(a), Dec. 28, 1973, 87 Stat. 908; Pub. L. 94-361, title VIII, § 801(b), July 14, 1976, 90 Stat. 929; Pub. L.

94-522, title I, §§ 101, 102, title II, §§ 201-213, Oct. 17, 1976, 90 Stat. 2467-2472; Ex. Ord. No. 12273, Jan. 16, 1981, 46 F.R. 5854; Ex. Ord. No. 12326, Sept. 30, 1981, 46 F.R. 48889; Pub. L. 97-269, title VI, §§ 602-611, Sept. 27, 1982, 96 Stat. 1145-1148, 1152-1153; Ex. Ord. No. 12443, Sept. 27, 1983, 48 F.R. 44751; Ex. Ord. No. 12485, July 13, 1984, 49 F.R. 28827; Pub. L. 98-618, title III, § 302, Nov. 8, 1984, 98 Stat. 3300; Pub. L. 99-169, title VII, § 702, Dec. 4, 1985, 99 Stat. 1008, provided:

[*See main edition for text of Title I*]

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"Part A—Establishment of System

"RULES AND REGULATIONS

"Sec. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system; such rules and regulations to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect.

[*See main edition for text of (b) and (c)*]

[Amended Pub. L. 98-618, title III, § 302, Nov. 8, 1984, 98 Stat. 3300.]

[*See main edition for text of Secs. 202 to 204; Part B*]

"Part C—Computation of Annuities

"COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES

"Sec. 221. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest three consecutive years of service (or, in the case of an annuity computed under section 232 and based on less than three years, over the total service), for which full contributions have been made to the fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 251 and 252. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted. Each annuity shall be stated as an annual amount, one twelfth of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

[*See main edition for text of (b) to (h)*]

"(i) Except as otherwise provided, the annuity of a participant shall commence on the first day of the month after separation from the service, or on the first day of the month after pay ceases and the service and age requirements for title to an annuity are met. With respect to those participants who serve three days or less in the month of retirement, the annuity will commence on the day after separation or the day after pay ceases and the service and age requirements for title to an annuity are met. The annuity of a participant involuntarily separated from the service, except for removal for cause on charges of misconduct or delinquency, or of a participant retiring due to a disability shall commence on the day after separation from the service or the day after pay ceases and the service and age or disability requirements for title to an annuity are met. Any other annuity payable from the Fund shall commence on the first day of the month after the occurrence of the event on which payment thereof is based.

[*See main edition for text of (j)*]

"(k) For the purpose of an annuity computed under this section, the total service of any participant shall not include any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made under section 252(b), unless the participant makes a deposit for such period as provided in section 252, or no deposit is required for such service as provided under Section 8334(g) of Title 5 of the United States Code, or under any statute.

[*See main edition for text of (l) to (o)*]

[Amended Ex. Ord. No. 12443, §§ 4, 7, 8, Sept. 27, 1983, 48 F.R. 44752. For effective date of amendments, see section 16(d)-(f) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Secs. 222 and 223*]

"Part D—Benefits Accruing to Certain Participants

"RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY

"Sec. 231. [*See main edition for text of (a)*]

"(b) [*See main edition for text of (1)*]

"(2) If the annuitant receiving disability retirement annuity is restored to earning capacity, before becoming sixty years of age, payment of the annuity terminates on reemployment by the Government or 180 days after the end of the calendar year in which earning capacity is restored, whichever is earlier. Earning capacity is restored if in any calendar year the income of the annuitant from wages or self-employment or both equals at least 80 per centum of the current rate of pay of the position occupied at the time of retirement.

[*See main edition for text of (c) to (e)*]

[Amended Ex. Ord. No. 12443, § 1, Sept. 27, 1983, 48 F.R. 44751. For effective date of amendment, see section 16(b) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Secs. 232 to 234*]

"MANDATORY RETIREMENT

"Sec. 235. (a) The Director may in his discretion place in a retired status any participant who has completed at least twenty-five years of service, or who is at least fifty years of age and has completed at least twenty years of service, provided such participant has not less than ten years of service with the Agency of which at least five shall have been qualifying service. A participant who is separated involuntarily from service, except by removal for cause on charges of misconduct or delinquency, is entitled to an annuity only if the participant has not declined a reasonable offer of another position for which he or she is qualified, which is not lower than two grades below his or her current position and which is in the same commuting area. Voluntary early retirements will be permitted only if a major reorganization, reduction in force, or transfer of function will result in a significant number of participants being separated or immediately reduced in pay. Participants retired under this subsection shall receive retirement benefits in accordance with the provisions of section 221.

[*See main edition for text of (b)*]

[Amended Ex. Ord. No. 12443, § 13, Sept. 27, 1983, 48 F.R. 44754. For effective date of amendment, see section 16(a) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Sec. 236*]

"Part E—Disposition of Contributions and Interest in Excess of Benefits Received

"Sec. 241. (a) Whenever a participant becomes separated from the Agency, or is transferred to a position in which he is not subject to this Act, for at least thirty-one consecutive days without becoming eligible for an annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 percent per year to December 31, 1947, and 3 percent per year thereafter compounded annually to December 31, 1956, except as provided in section 281, shall, upon application, be returned to him. The return of contributions shall be made only if the participant is not reemployed in a position in which he is subject to this Act at the time he files the application for refund and will not become eligible for an annuity within thirty-one days after filing such application. The receipt of the payment of the lump-sum credit by the participant voids all annuity rights under the Act based on the service on which the lump-sum credit is based, until the participant is reemployed in the service subject to the Act. The payment of the lump-sum credit shall include amounts deposited by a participant covering earlier service as well as any amounts deposited under section 252(h).

[*See main edition for text of* (*b*) *and* (*c*)]

[Amended Ex. Ord. No. 12443, § 5, Sept. 27, 1983, 48 F.R. 44752. For effective date of amendment, see section 16(a) of Ex. Ord. No. 12443, set out below.]

"Part F—Period of Service for Annuities

"COMPUTATION OF LENGTH OF SERVICE

"Sec. 251. (a) For the purposes of this Act, the period of service of a participant shall be computed from the date he becomes a participant under the provisions of this Act, but all periods of separation from the Agency and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under chapter 81 of title 5, United States Code, or any earlier statute on which such chapter is based, and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States. A participant or former participant who returns to Government duty after a period of separation shall have included in his period of service that part of the period of separation in which he was receiving benefits under chapter 81 of title 5, United States Code, or any earlier statute on which such chapter is based.

"(b) The Director of Central Intelligence may from time to time establish, in consultation with the Secretary of State, a list of places outside the United States which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. Each year of duty at such posts, inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this Act for the purpose of retirement, fractional months being considered as full months in computing such service. No extra credit for service at such unhealthful posts shall be credited to any participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for such service.

[Amended Pub. L. 99-169, title VII, § 702, Dec. 4, 1985, 99 Stat. 1008.]

"PRIOR SERVICE CREDIT

"Sec. 252. [*See main edition for text of* (*a*) *to* (*d*)]

"(e)(1) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a)(2) of this section by applying for it to the Director prior to retirement or separation from the Agency.

"(2) However, in the case of a participant who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in section 301 of title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included.

"(3) Except as provided in paragraphs (1) and (2) of this subsection, the service of an individual who first becomes a Federal employee before October 1, 1982 shall include credit for each period of military service performed before the date of the separation on which the entitlement to an annuity under this subsection is based, subject to section 252(f); and the service of an individual who first becomes a Federal employee on or after October 1, 1982 shall include credit for:

"(i) each period of military service performed before January 1, 1957, and

"(ii) each period of military service performed after December 31, 1956, and before separation on which the entitlement to annuity under this section is based, only if a deposit (with interest, if any) is made with respect to that period as provided in subsection (h) of this section.

"(f)(1) Notwithstanding any other provision of this section or section 253 any military service (other than military service covered by military leave with pay) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such participant or to his widow or child is to be based, if such participant or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors' benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such participant's wages and self-employment income. If in the case of the participant or widow such military service is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service upon which such annuity is based shall be redetermined, effective as of the first day of the month in which he or she attains such age, so as to exclude such service.

"(2) The provisions of paragraph (1) above relating to credit for military service shall not apply to—

"(A) any period of military service of a participant with respect to which he or she has made a deposit with interest, if any, under section 252(e) of this Act; or

"(B) the military service of any participant who has been awarded retired pay on account of a service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war as that term is defined in section 301 of Title 38 of the United States Code.

"(3) The annuity recomputation required by paragraph (1) above shall not apply to any individual who was entitled to an annuity under this section on or before September 8, 1982. Instead of an annuity recomputation, the annuities of such individuals shall be reduced at age 62 by an amount equal to a fraction of their Social Security benefit. This reduction shall be computed by multiplying their monthly Social Security benefit by a fraction, the numerator of which is their total military wages that were subject to Social Security deductions and the denominator of which is their total lifetime wages, including military wages, that were subject to Social Security deductions. The reductions so computed shall not be permitted to be greater than the reductions that will be required by paragraph (1) if that paragraph applied to the individual for that period. The new formula shall be applicable to all annuity payments payable after October 1, 1982, including annuity payments to those individuals who had previously reached age 62 and whose annuities had already been recomputed.

"(g) For the purpose of survivor annuity, special contributions authorized by paragraphs (b), (c)(4), and (h) of this section may also be made by the survivor of a participant.

"(h)(1) Each participant who has performed military service before the date of separation on which the entitlement to any annuity under this section is based may pay, in accordance with rules issued by the Director, to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of Title 37 of the United States Code to the participant for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide, or if the Director or his designee determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

"(2) Any deposit made under paragraph (1) of this subsection more than two years after the later of—

"(A) October 1, 1983; or

"(B) the date on which the participant making the deposit first becomes an employee of the Federal government—shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (b) of this section.

"(3) Any payment received by the Agency under this subsection shall be immediately remitted to the Office of Finance for deposit in the Treasury of the United States to the Credit of the CIARDS Fund.

"(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Director as the Director may determine to be necessary for the administration of this subsection.

[Amended Ex. Ord. No. 12485, July 13, 1984, 49 F.R. 28827.]

[Amended Ex. Ord. No. 12443, §§ 9–11, 15, Sept. 27, 1983, 48 F.R. 44753, 44755. For effective date of amendments, see section 16(a), (g), (i) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Sec. 253*]

"PART G—MONEYS

"ESTIMATE OF APPROPRIATIONS NEEDED

"SEC. 261. [*See main edition for text of* (*a*) *to* (*c*)]

"(d) There is hereby authorized to be appropriated to the fund each fiscal year such sums as may be necessary to provide the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Director estimates is attributable to credit allowed for military service, less an amount determined by the Director to be appropriate to reflect the value of the deposits made to the credit of the Fund under section 252(e), and, not to exceed the following percentages of such amounts: 70 per centum for 1977; 80 per centum for 1978; 90 per centum for 1979; and 100 per centum for 1980 and for each fiscal year thereafter.

[Amended Ex. Ord. No. 12443, § 12, Sept. 27, 1983, 48 F.R. 44754. For effective date of amendment, see section 16(a) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Secs. 262 to 264; Part H*]

"PART I—VOLUNTARY CONTRIBUTIONS

"SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum through December 31, 1984, and thereafter at the rate computed under Section 8334(e) of Title 5 of the United States Code, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

[*See main edition for text of* (*1*) *to* (*4*); (*b*) *to* (*d*)]

[Amended Ex. Ord. No. 12443, § 3, Sept. 27, 1983, 48 F.R. 44751. For effective date of amendment, see section 16(c) of Ex. Ord. No. 12443, set out below.]

"PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

"SEC. 291. [*See main edition for text of* (*a*) *to* (*e*)]

"(f) The monthly installment of annuity after adjustment under this section shall be rounded to the next lowest dollar, except that such installment shall, after adjustment, reflect an increase of at least $1.

"(g)(1) An annuity shall not be increased by reason of an adjustment under this section to an amount which exceeds the greater of—

"(A) the maximum pay payable for GS-15 thirty days before the effective date of the adjustment under this section; or

"(B) the final pay (or average pay, if higher) of the participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in rates of pay of the General Schedule under subchapter I of chapter 53 of title 5 of the United States Code during the period—

"(i) beginning on the date the annuity commenced (or, in the case of a survivor of the participant, the date of the participant's annuity commenced), and

"(ii) ending on the effective date of the adjustment under this section.

"(2) For the purposes of paragraph (1) of this subsection, 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.

[Amended Ex. Ord. No. 12443, §§ 6, 14, Sept. 27, 1983, 48 F.R. 44752, 44754. For effective date of amendments, see section 16(e), (h) of Ex. Ord. No. 12443, set out below.]

[*See main edition for text of Part K*]

EX. ORD. NO. 12326. CONFORMING THE CENTRAL INTELLIGENCE AGENCY AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

Ex. Ord. No. 12326, Sept. 30, 1981, 46 F.R. 48889, as amended by Ex. Ord. No. 12443, Sept. 27, 1983, 48 F.R. 44751, provided:

[*See main edition for text of first par., Secs. 1 to 4*]

SEC. 5. For the purpose of ensuring the accuracy of information used in the administration of the Central Intelligence Agency Retirement and Disability System, the Director of Central Intelligence may request, from the Secretaries of Defense, Health and Human Services, and Labor, and the Administrator of Veterans Affairs, such information as the Director deems necessary. To the extent permitted by law:

(a) the Secretary of Defense or the Secretary's designee shall provide information on retired or retainer pay provided under Title 10 of the United States Code;

(b) The Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code;

(c) The Secretary of Health and Human Services or the Secretary's designee shall provide information contained in the records of the Social Security Administration; and

(d) The Secretary of Labor or the Secretary's designee shall provide information on benefits paid under subchapter I of Chapter 81 of Title 5 of the United States Code.

The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this Section is used only for the purposes authorized.

[See main edition for text of Secs. 6 and 7]

EXECUTIVE ORDER NO. 12331

Ex. Ord. No. 12331, Oct. 20, 1981, 46 F.R. 51705, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex. Ord. No. 12537, Oct. 28, 1985, 50 F.R. 45083, set out below.

EX. ORD. NO. 12443. CONFORMING THE CENTRAL INTELLIGENCE AGENCY AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

Ex. Ord. No. 12443, Sept. 27, 1983, 48 F.R. 44751, provided:

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), and in order to conform further the Central Intelligence Agency Retirement and Disability System to certain amendments in the Civil Service Retirement and Disability System pursuant to Public Laws 97-253, 97-346, and 97-377 [see Tables for classification], it is hereby ordered as follows:

SECTION 1. Section 231(b)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended to read as follows:

"(b)(2) If the annuitant receiving disability retirement annuity is restored to earning capacity, before becoming sixty years of age, payment of the annuity terminates on reemployment by the Government or 180 days after the end of the calendar year in which earning capacity is restored, whichever is earlier. Earning capacity is restored if in any calendar year the income of the annuitant from wages or self-employment or both equals at least 80 per centum of the current rate of pay of the position occupied at the time of retirement.".

SEC. 2. Section 5 of Executive Order No. 12326 of September 30, 1981 [set out above], which previously amended the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended to read as follows:

"Sec. 5. For the purpose of ensuring the accuracy of information used in the administration of the Central Intelligence Agency Retirement and Disability System, the Director of Central Intelligence may request, from the Secretaries of Defense, Health and Human Services, and Labor, and the Administrator of Veterans Affairs, such information as the Director deems necessary. To the extent permitted by law:

"(a) the Secretary of Defense or the Secretary's designee shall provide information on retired or retainer pay provided under Title 10 of the United States Code;

"(b) The Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code;

"(c) The Secretary of Health and Human Services or the Secretary's designee shall provide information contained in the records of the Social Security Administration; and

"(d) The Secretary of Labor or the Secretary's designee shall provide information on benefits paid under subchapter I of Chapter 81 of Title 5 of the United States Code.

"The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this Section is used only for the purposes authorized.".

SEC. 3. Section 281(a) of the Central Intelligence Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by inserting after "at 3 per centum per annum" the following: "through December 31, 1984, and thereafter at the rate computed under Section 8334(e) of Title 5 of the United States Code."

SEC. 4. Section 221(k) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended to read as follows:

"(k) For the purpose of an annuity computed under this section, the total service of any participant shall not include any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made under section 252(b), unless the participant makes a deposit for such period as provided in section 252, or no deposit is required for such service as provided under Section 8334(g) of Title 5 of the United States Code, or under any statute.".

SEC. 5. Section 241(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended to read as follows:

"(a) Whenever a participant becomes separated from the Agency, or is transferred to a position in which he is not subject to this Act, for at least thirty-one consecutive days without becoming eligible for an annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 percent per year to December 31, 1947, and 3 percent per year thereafter compounded annually to December 31, 1956, except as provided in section 281, shall, upon application, be returned to him. The return of contributions shall be made only if the participant is not reemployed in a position in which he is subject to this Act at the time he files the application for refund and will not become eligible for an annuity within thirty-one days after filing such application. The receipt of the payment of the lump-sum credit by the participant voids all annuity rights under the Act based on the service on which the lump-sum credit is based, until the participant is reemployed in the service subject to the Act. The payment of the lump-sum credit shall include amounts deposited by a participant covering earlier service as well as any amounts deposited under section 252(h)"."

SEC. 6. Section 291(f) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by striking out "fixed at the nearest" and inserting "rounded to the next lowest" in lieu thereof.

SEC. 7. Section 221(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by adding the following at the end thereof:

"Each annuity shall be stated as an annual amount, one twelfth of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.".

SEC. 8. Section 221(l) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended to read as follows:

"(l) Except as otherwise provided, the annuity of a paticipant shall commence on the first day of the month after separation from the service, or on the first day of the month after pay ceases and the service and age requirements for title to an annuity are met. With respect to those participants who serve three days or less in the month of retirement, the annuity will commence on the day after separation or the day after pay ceases and the service and age requirements for title to an annuity are met. The annuity of a participant involuntarily separated from the service, except for removal for cause on charges of misconduct or delinquency, or of a participant retiring due to a disability shall commence on the day after separation from the service or the day after pay ceases and the service and age or disability requirements for title to an annuity are met. Any other annuity payable from the Fund shall commence on the first day of the month after the occurrence of the event on which payment thereof is based.".

Sec. 9. Section 252(e) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by inserting "(1)" before the first sentence thereof, by inserting "(2)" before the second sentence thereof and by striking out "chapter 11" and inserting "section 301" in lieu thereof, by deleting the last sentence thereof and by adding the following paragraph (3):

"(3) Except as provided in paragraphs (1) and (2) of this subsection, the service of an individual who first becomes a Federal employee before October 1, 1982 shall include credit for each period of military service performed before the date of the separation on which the entitlement to an annuity under this subsection is based, subject to section 252(f); and the service of an individual who first becomes a Federal employee on or after October 1, 1982 shall include credit for:

"(i) each period of military service performed before January 1, 1957, and

"(ii) each period of military service performed after December 31, 1956, and before separation on which the entitlement to annuity under this section is based, only if a deposit (with interest, if any) is made with respect to that period as provided in subsection (h) of this section.".

Sec. 10. Section 252(f) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by inserting "(1)" after "(f)" and adding new paragraphs (2) and (3) as follows:

"(2) The provisions of paragraph (1) above relating to credit for military service shall not apply to—

"(A) any period of military service of a participant with respect to which he or she has made a deposit with interest, if any, under section 252(e) of this Act; or

"(B) the military service of any participant who has been awarded retired pay on account of a service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war as that term is defined in section 301 of Title 38 of the United States Code.".

"(3) The annuity recomputation required by paragraph (1) above shall not apply to any individual who was entitled to an annuity under this section on or before September 8, 1982. Instead of an annuity recomputation, the annuities of such individuals shall be reduced at age 62 by an amount equal to a fraction of their Social Security benefit. This reduction shall be computed by multiplying their monthly Social Security benefit by a fraction, the numerator of which is their total military wages that were subject to Social Security deductions and the denominator of which is their total lifetime wages, including military wages, that were subject to Social Security deductions. The reductions so computed shall not be permitted to be greater than the reductions that will be required by paragraph (1) if that paragraph applied to the individual for that period. The new formula shall be applicable to all annuity payments payable after October 1, 1982, including annuity payments to those individuals who had previously reached age 62 and whose annuities had already been recomputed.".

Sec. 11. Section 252 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by adding a new subsection (h) as follows:

"(h)(1) Each participant who has performed military service before the date of separation on which the entitlement to any annuity under this section is based may pay, in accordance with rules issued by the Director, to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of Title 37 of the United States Code to the participant for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide, or if the Director or his designee determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).".

"(2) Any deposit made under paragraph (1) of this subsection more than two years after the later of—

(A) October 1, 1982; or

(B) the date on which the participant making the deposit first becomes an employee of the Federal government—shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (b) of this section.".

"(3) Any payment received by the Agency under this subsection shall be immediately remitted to the Office of Finance for deposit in the Treasury of the United States to the Credit of the CIARDS Fund.

"(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Director as the Director may determine to be necessary for the administration of this subsection.".

Sec. 12. Section 261(d)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by adding after the words "allowed for military service" the following: ", less an amount determined by the Director to be appropriate to reflect the value of the deposits made to the credit of the Fund under section 252(e), and".

Sec. 13. Section 235(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by deleting the final sentence thereof and substituting the following wording:

"A participant who is separated involuntarily from service, except by removal for cause on charges of misconduct or delinquency, is entitled to an annuity only if the participant has not declined a reasonable offer of another position for which he or she is qualified, which is not lower than two grades below his or her current position and which is in the same commuting area. Voluntary early retirements will be permitted only if a major reorganization, reduction in force, or transfer of function will result in a significant number of participants being separated or immediately reduced in pay. Participants retired under this subsection shall receive retirement benefits in accordance with the provisions of section 221.".

Sec. 14. Section 291 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by adding a new subsection (g) as follows:

"(g)(1) An annuity shall not be increased by reason of an adjustment under this section to an amount which exceeds the greater of—

"(A) the maximum pay payable for GS-15 thirty days before the effective date of the adjustment under this section; or

"(B) the final pay (or average pay, if higher) of the participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in rates of pay of the General Schedule under subchapter I of chapter 53 of title 5 of the United States Code during the period—

(i) beginning on the date the annuity commenced (or, in the case of a survivor of the participant, the date of the participant's annuity commenced), and

(ii) ending on the effective date of the adjustment under this section.

"(2) For the purposes of paragraph (1) of this subsection, 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.".

Sec. 15. Section 252(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], shall be deemed to be amended by deleting "paragraph (b)" and inserting "paragraphs (b), (c)(4), and (h)" in lieu thereof.

Sec. 16. The amendments made by this Order shall be effective as follows:

(a) Sections 2, 5, 9, 19 [10], 12 and 13 shall be effective October 1, 1982.

(b) Section 1 shall be effective October 1, 1982 but shall apply only with respect to income earned after December 31, 1982.

(c) Section 3 shall apply with respect to deposits for service performed on or after October 1, 1982, and with respect to funds for which application is received on or after such date. The provisions of section 252, as in effect on September 7, 1982, shall continue to apply with respect to periods of service and refunds for which application was received on or before September 30, 1982.

(d) Section 4 shall apply with respect to deposits for military service performed on or after October 1, 1982 and military service performed on or after January 1, 1957 and with respect to refunds for which applications are received by the Agency on or after October 1, 1982. The provisions of section 221(k), as in effect on September 7, 1982 shall continue to apply with respect to periods of civilian service occurring before October 1, 1982.

(e) Section 6 and Section 7 shall apply with respect to any annuity commencing on or after October 1, 1982, and with respect to any adjustment or redetermination of any annuity made on or after such date.

(f) Section 8 shall apply to annuities which commence on or after January 1, 1983.

(g) Section 11 shall take effect October 1, 1982, except that any participant who retired after September 8, 1982 and before October 1, 1983, or is entitled to an annuity under the CIA Retirement Act of 1964 for Certain Employees, as amended [50 U.S.C. 403 note], based on a separation from service occurring during such period, or a survivor of such individual, may make a payment under section 252(h).

(h) Section 14 shall not cause any annuity to be reduced below the rate that is payable on September 8, 1982 but shall apply to any adjustment occurring on or after this date under section 291, or to any annuity payable from the Central Intelligence Agency Retirement and Disability Fund, whether such annuity has a commencing date before, on, or after September 8, 1982.

(i) Section 15 shall be effective as of September 8, 1982.

Ronald Reagan.

Ex. Ord. No. 12537. President's Foreign Intelligence Advisory Board

Ex. Ord. No. 12537, Oct. 28, 1985, 50 F.R. 45083, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, it is ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (the "Board"). The Board shall consist of not more than fourteen members, who shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the government who are qualified on the basis of achievement, experience, and independence. The President shall establish the terms of the members upon their appointment. To the extent practicable, one-third of the Board at any one time shall be comprised of members whose current term of service does not exceed two years. The President shall designate a Chairman and Vice Chairman from among the members. The Board shall utilize full-time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.

Sec. 2. The Board shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, of couterintelligence, and other intelligence activities. The Board shall have the authority to continually review the performance of all agencies of the Federal government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The Board shall further be authorized to assess the adequacy of management, personnel, and organization in the intelligence agencies.

Sec. 3. The Board shall report directly to the President and advise him concerning the objectives, conduct, management, and coordination of the various activities of the agencies of the intelligence community. The Board shall report periodically, but at least semiannually, concerning findings and appraisals and shall make appropriate recommendations for actions to improve and enhance the performance of the intelligence efforts of the United States.

Sec. 4. The Board shall receive, consider, and recommend appropriate action with respect to matters, identified to the Board by the Director of Central Intelligence, the Central Intelligence Agency, or other government agencies engaged in intelligence or related activities, in which the support of the Board will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the Board shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

Sec. 5. The Board shall have access to the full extent permitted by applicable law to all information necessary to carry out its duties in the possession of any agency of the Federal government. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expenses, and per diem allowance as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Sec. 7. Executive Order No. 12331 of October 20, 1981 is revoked.

Ronald Reagan.

Section Referred to in Other Sections

This section is referred to in sections 403–1, 403g of this title; title 5 section 2305; title 42 section 2162.

§ 403–1. Intelligence Community Staff; appointment of Director

(1) If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—

(A) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

(B) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Community Staff) with respect to any of the military or civilian personnel thereof.

(2) Except as provided in subsection (1), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that in which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired and retainer pay) and allowances.

(3) Any commissioned officer to which subsection (1) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 403 of this title, or the position of Director of the Intelligence Community Staff, under this section, shall be exempt from such numbers and percentage at any one time.

(July 26, 1947, ch. 343, title I, § 102a, as added Dec. 9, 1983, Pub. L. 98–215, title IV, § 403, 97 Stat. 1477.)

§ 403a. Definitions relating to Central Intelligence Agency

When used in sections 403a to 403o of this title, the term—

[See main edition for text of (a) to (c); credits]

References in Text

Section 403d of this title, included within the reference in text to sections 403a to 403o, was repealed by Pub. L. 85–507, § 21(b)(2), July 7, 1958, 72 Stat. 337.

Section 403i of this title, included within the reference in text to sections 403a to 403o, was repealed by act Sept. 1, 1954, ch. 1208, title VI, § 601(b), 68 Stat. 1115.

Codification

Section is set out in this supplement to correct translations appearing in the main edition.

Short Title

Act June 20, 1949, ch. 227, § 10, formerly § 12, 63 Stat. 212, renumbered July 7, 1958, Pub. L. 85–507, § 21(b)(2), 72 Stat. 337, provided that: "This Act [enacting section 403a et seq. of this title] may be cited as the 'Central Intelligence Agency Act of 1949'."

Section Referred to in Other Sections

This section is referred to in sections 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403b. Seal of office of Central Intelligence Agency

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403c. Procurement authority of Central Intelligence Agency

Codification

In subsecs. (a) and (d), references to the appropriate sections of title 10 were substituted for references to sections 2(c)(1) to (6), (10), (12), (15), (17), 3, 4, 5, 6, and 10 of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces. Prior to the enactment of Title 10, sections 2 to 6 and 10 of the Armed Services Procurement Act of 1947 were classified to sections 151 to 155 and 159 of Title 41, Public Contracts. Cited sections of the Act were restated in sections of Title 10 as follows:

Act	*Title 10*
2(c)	2304(a)
3	2305(a)–(c)
4	2306, 2313
5	2307
5(a)	2307(a)
6	2312
10	2308, 2309

Sections 2304 and 2305 of title 10 were amended generally by Pub. L. 98–369, and as so amended contain provisions differing from those referred to in subsecs. (a) and (d).

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403e. Central Intelligence Agency personnel; allowances and benefits

(a) Travel, allowances, and related expenses for officers and employees assigned to duty stations outside United States

Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, shall—

(1) [*See main edition for text of* (*A*)]

(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of sections 403a to 403o of this title or any other Act;

[*See main edition for text of* (*C*) *to* (*F*), (*2*) *to* (*7*); (*b*); *credits*]

References in Text

Section 403d of this title, included within the reference in subsec. (a)(1)(B) to sections 403a to 403n, was repealed by Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337.

Section 403i of this title, included within the reference in subsec. (a)(1)(B) to sections 403a to 403n, was repealed by act Sept. 1, 1954, ch. 1208, title VI, § 601(b), 68 Stat. 1115.

Codification

Subsec. (a)(1)(B) is set out in this supplement to correct translations appearing in the main edition.

Section Referred to in Other Sections

This section is referred to in sections 403a, 403f of this title; title 5 sections 2305, 5373, 5727; title 22 section 2291.

§ 403e-1. Eligibility for incentive awards

(a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

(b) The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff on or after a date five years before December 9, 1983.

(Pub. L. 98-215, title IV, § 402, Dec. 9, 1983, 97 Stat. 1477.)

Codification

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 1984, and not as part of the Central Intelligence Agency Act of 1949 which is classified to sections 403a to 403n of this title, or as part of the National Security Act of 1947 which comprises this chapter.

§ 403f. General authorities of Agency

In the performance of its functions, the Central Intelligence Agency is authorized to—

(a) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under sections 403 and 405 of this title, and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of sections 403a to 403*o* of this title without regard to limitations of appropriations from which transferred;

[*See main edition for text of* (*b*) *and* (*c*)]

(d) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices;

(e) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended: *Provided*, That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities; and

(f) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe.

(As amended Dec. 9, 1983, Pub. L. 98-215, title IV, § 401, 97 Stat. 1477.)

References in Text

Section 403d of this title, included within the reference in subsec. (a) to sections 403a to 403n, was repealed by Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337.

Section 403i of this title, included within the reference in subsec. (a) to sections 403a to 403n, was repealed by act Sept. 1, 1954, ch. 1208, title VI, § 601(b), 68 Stat. 1115.

Codification

Subsec. (a) is set out in this supplement to correct translations appearing in the main edition.

Amendments

1983—Subsec. (f). Pub. L. 98-215 added subsec. (f).

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403g. Protection of nature of Agency's functions

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403h. Admission of essential aliens; limitation on number

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403j. Central Intelligence Agency; appropriations; expenditures

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373, 5948; title 22 section 2291; title 31 section 3524.

§ 403k. Authority to pay death gratuities

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403*l*. Authority to accept gifts, devises and bequests

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403m. Misuse of Agency name, initials, or seal

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403n. Special provisions for spouses of Central Intelligence Agency employees applicable to Agency participants in Civil Service Retirement and Disability System

Codification

Section was enacted as part of the Central Intelligence Agency Act of 1949, and not as part of the National Security Act of 1947 which comprises this chapter.

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

§ 403*o*. Security personnel at Agency installations

(a) Special policemen: functions and powers; regulations: promulgation and enforcement

The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under section 318 of title 40, with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

(b) Penalties for violations of regulations

The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in section 318c of title 40.

(c) Identification

Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.

(June 20, 1949, ch. 227, § 15, as added Oct. 12, 1984, Pub. L. 98–473, title I, § 140, 98 Stat. 1973, and as added Nov. 8, 1984, Pub. L. 98–618, title IV, § 401, 98 Stat. 3301.)

Codification

Section was enacted as part of the Central Intelligence Agency Act of 1949, and not as part of the National Security Act of 1947 which comprises this chapter.

Provisions of this section were also enacted by the Intelligence Authorization Act for fiscal year 1985, Pub. L. 98-618, title IV, § 401, Nov. 8, 1984, 98 Stat. 3301.

Section Referred to in Other Sections

This section is referred to in sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.

SUBCHAPTER III—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

§ 413. Congressional oversight

Section Referred to in Other Sections

This section is referred to in section 414 of this title; title 10 section 2547; title 22 section 2422.

§ 414. Funding of intelligence activities

(a) Obligations and expenditures for intelligence or intelligence-related activity; prerequisites

Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

(1) those funds were specifically authorized by the Congress for use for such activities; or

(2) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 413 of this title concerning any significant anticipated intelligence activity, the Director of Central Intelligence has notified the appropriate congressional committees of the intent to make such funds available for such activity; or

(3) in the case of funds specifically authorized by the Congress for a different activity—

(A) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(B) the need for funds for such activity is based on unforseen requirements; and

(C) the Director of Central Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity;

(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31.

(b) Activities denied funding by Congress

Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) Definitions

As used in this section—

(1) the term "intelligence agency" means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(3) the term "specifically authorized by the Congress" means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity.

(July 26, 1947, ch. 343, title V, § 502, as added Dec. 4, 1985, Pub. L. 99-169, title IV, § 401(a), 99 Stat. 1004.)

ENHANCED SECURITY COUNTERMEASURES CAPABILITIES; APPLICATION OF SECTION

Section 401(c) of Pub. L. 99-169 provided that: "The amendment made by section 401(a) of this Act [enacting this section] shall not apply with respect to funds appropriated to the Director of Central Intelligence under the heading 'ENHANCED SECURITY COUNTERMEASURES CAPABILITIES' in the Supplemental Appropriations Act, 1985 (Public Law 99-88) [Aug. 15, 1985, 99 Stat. 311]."

SUBCHAPTER V—PROTECTION OF OPERATIONAL FILES OF THE CENTRAL INTELLIGENCE AGENCY

§ 431. Exemption of certain operational files from search, review, publication, or disclosure

(a) Exemption by Director of Central Intelligence

Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence from the provisions of section 552 of title 5 (Freedom of Information Act) which require publication or disclosure, or search or review in connection therewith.

(b) "Operational files" defined

For the purposes of this title the term "operational files" means—

(1) files of the Directorate of Operations which document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;

(2) files of the Directorate for Science and Technology which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; and

(3) files of the Office of Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources;

except that files which are the sole repository of disseminated intelligence are not operational files.

(c) Search and review for information

Notwithstanding subsection (a) of this section, exempted operational files shall continue to be subject to search and review for information concerning—

(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5 (Freedom of Information Act) or section 552a of title 5 (Privacy Act of 1974);

(2) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5 (Freedom of Information Act); or

(3) the specific subject matter of an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Department of Justice, the Office of General Counsel of the Central Intelligence Agency, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity.

(d) Information derived or disseminated from exempted operational files

(1) Files that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review.

(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) of this section shall not affect the exemption under subsection (a) of this section of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files which have been disseminated to and refer-

enced in files that are not exempted under subsection (a) of this section and which have been returned to exempted operational files for sole retention shall be subject to search and review.

(e) Supersedure of prior law

The provisions of subsection (a) of this section shall not be superseded except by a provision of law which is enacted after October 15, 1984, and which specifically cites and repeals or modifies its provisions.

(f) Allegation; improper withholding of records; judicial review

Whenever any person who has requested agency records under section 552 of title 5 (Freedom of Information Act), alleges that the Central Intelligence Agency has improperly withheld records because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, except that—

(1) in any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Central Intelligence Agency, such information shall be examined ex parte, in camera by the court;

(2) the court shall, to the fullest extent practicable, determine issues of fact based on sworn written submissions of the parties;

(3) when a complaint alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission, based upon personal knowledge or otherwise admissible evidence;

(4)(A) when a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Central Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5 by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently perform the functions set forth in subsection (b) of this section; and

(B) the court may not order the Central Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under subparagraph (A) of this paragraph, unless the complainant disputes the Central Intelligence Agency's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence;

(5) in proceedings under paragraphs (3) and (4) of this subsection, the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36;

(6) if the court finds under this subsection that the Central Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Central Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5 (Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section; and

(7) if at any time following the filing of a complaint pursuant to this subsection the Central Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

(July 26, 1947, ch. 343, title VII, § 701, as added Oct. 15, 1984, Pub. L. 98-477, § 2(a), 98 Stat. 2209.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (f)(5), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section 4 of Pub. L. 98-477 provided that: "The amendments made by subsections (a) and (b) of section 2 [enacting sections 431 and 432 of this title and amending section 552a of Title 5, Government Organization and Employees] shall be effective upon enactment of this Act [Oct. 15, 1984] and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all civil actions not commenced prior to February 7, 1984."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 432 of this title.

§ 432. Decennial review of exempted operational files

(a) Review by Director of Central Intelligence

Not less than once every ten years, the Director of Central Intelligence shall review the exemptions in force under subsection (a) of section 431 of this title to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

(b) Consideration; historical value; public interest

The review required by subsection (a) of this section shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

(c) Judicial review

A complainant who alleges that the Central Intelligence Agency has improperly withheld records because of failure to comply with this section may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining (1) whether the Central Intelligence Agency has conducted the review required by subsection (a) of this section within ten years of enactment of this title or within ten years after the last review, and (2) whether the Central Intelligence Agency, in fact, considered the crite-

ria set forth in subsection (b) of this section in conducting the required review.

(July 26, 1947, ch. 343, title VII, § 702, as added Oct. 15, 1984, Pub. L. 98–477, § 2(a), 98 Stat. 2211.)

EFFECTIVE DATE

Section effective Oct. 15, 1984, and applicable with respect to any request for records, whether or not such request was made prior to Oct. 15, 1984, and applicable to all civil actions not commenced prior to Feb. 7, 1984, see section 4 of Pub. L. 98–477, set out as a note under section 431 of this title.

REPORT; FEASIBILITY; SYSTEMATIC REVIEW; DECLASSIFICATION AND RELEASE OF INFORMATION; DIRECTOR OF CENTRAL INTELLIGENCE; CONGRESSIONAL COMMITTEES

Section 3 of Pub. L. 98–477 provided that:

"(a) The Director of Central Intelligence, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, shall prepare and submit by June 1, 1985, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

"(b)(1) The Director shall, once each six months, prepare and submit an unclassified report which includes—

"(A) a description of the specific measures established by the Director to improve the processing of requests under section 552 of title 5, United States Code;

"(B) the current budgetary and personnel allocations for such processing;

"(C) the number of such requests (i) received and processed during the preceding six months, and (ii) pending at the time of submission of such report; and

"(D) an estimate of the current average response time for completing the processing of such requests.

"(2) The first report required by paragraph (1) shall be submitted by a date which is six months after the date of enactment of this Act [Oct. 15, 1984]. The requirements of such paragraph shall cease to apply after the submission of the fourth such report.

"(c) Each of the reports required by subsections (a) and (b) shall be submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate."

CHAPTER 23—INTERNAL SECURITY

SUBCHAPTER I—CONTROL OF SUBVERSIVE ACTIVITIES

§ 783. Offenses

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2410 of Appendix to this title; title 5 section 8312; title 38 section 3505; title 42 sections 402, 2000aa.

§ 792a. Final orders of Board; labor organizations

(a) to (g) Omitted

[See main edition for text of (h) to (j)]

(As amended Nov. 8, 1984, Pub. L. 98–620, title IV, § 402(53), 98 Stat. 3361.)

CODIFICATION

Subsecs. (a) to (g) of this section were omitted in view of the cessation of operation of the Board. See note set out under section 791 of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–620 struck out "or any court" after "before the Board". See Codification note above.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 29—NATIONAL DEFENSE CONTRACTS

§ 1432. Restrictions

REFERENCES IN TEXT

Section 2304 of title 10, referred to in subd. (e), was amended generally by Pub. L. 98–369 and as so amended does not contain a subsec. (a)(15).

Section 252(c)(13) of title 41, referred to in subd. (e), was renumbered section 252(c)(14) of Title 41, Public Contracts, by Pub. L. 85–800, § 2(b), Aug. 28, 1958, 72 Stat. 966. Subsequently, Pub. L. 98–369 amended section 252 of Title 41 by striking out subsec. (c), redesignating subsec. (e) as (c)(1), and adding subsec. (c)(2).

CHAPTER 32—CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

Sec.
1519a. Limitation on procurement of binary chemical weapons.
1521. Destruction of existing stockpile of lethal chemical agents and munitions.
  (a) In general.
  (b) Date for completion.
  (c) Environmental protection and use of facilities.
  (d) Plan.
  (e) Management organization.
  (f) Identification of funds.
  (g) Annual report.
  (h) Prohibition on acquiring certain lethal chemical agents and munitions.
  (i) Reaffirmation of United States position on first use of chemical agents and munitions.
  (j) Definitions.
  (k) Effective date.

§ 1519a. Limitation on procurement of binary chemical weapons

(a) Notwithstanding any other provision of law, no funds may be obligated or expended after September 24, 1983, for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

(b)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary

chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.

(3) For purposes of this subsection, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

(Pub. L. 98-94, title XII, § 1233, Sept. 24, 1983, 97 Stat. 695.)

REFERENCES IN TEXT

Section 101 of this Act, referred to in subsec. (b)(1), is section 101 of Pub. L. 98-94, title I, Sept. 24, 1983, 97 Stat. 618, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Department of Defense Authorization Act, 1984, and not as part of Pub. L. 91-121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

§ 1521. Destruction of existing stockpile of lethal chemical agents and munitions

(a) In general

(1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

(2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

(b) Date for completion

(1) Except as provided by paragraphs (2) and (3), the destruction of such stockpile shall be completed by September 30, 1994.

(2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.

(3)(A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond September 30, 1994, the destruction of not more than 10 percent of the stockpile described in subsection (a)(1) of this section.

(B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier.

(c) Environmental protection and use of facilities

(1) In carrying out the requirement of subsection (a)(1) of this section, the Secretary shall provide for—

(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a) of this section; and

(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

(2) Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.

(d) Plan

(1) The Secretary shall develop a comprehensive plan to carry out this section.

(2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

(3) The Secretary shall transmit a copy of such plan to the Congress not later than March 15, 1986.

(4) Such plan shall provide—

(A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;

(B) for technological advances in techniques used to destroy chemical munitions;

(C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and

(D) a description of—

(i) the methods and facilities to be used in the destruction of agents and munitions under this section;

(ii) the schedule for carrying out this section; and

(iii) the management organization established under subsection (e) of this section.

(e) Management organization

(1) In carrying out this section, the Secretary shall provide for the establishment, not later than May 1, 1986, of a management organization within the Department of the Army.

(2) Such organization shall be responsible for management of the destruction of agents and munitions under this section.

(3) The Secretary shall designate a general officer as the director of the management organization established under paragraph (1). Such officer shall have—

(A) experience in the acquisition, storage, and destruction of chemical agents and munitions;

(B) training in chemical warfare defense operations; and

(C) outstanding qualifications regarding safety in handling chemical agents and munitions.

(f) Identification of funds

Funds for carrying out this section shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.

(g) Annual report

(1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) The first such report shall be transmitted by December 15, 1985, and shall contain—

(A) an accounting of the United States' stockpile of lethal chemical agents and munitions on November 8, 1985; and

(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.

(3) Each report other than the first one shall contain—

(A) a site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation; and

(B) an accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

(ii) the operation of such facilities;

(iii) the dismantling or other closure of such facilities;

(iv) research and development; and

(v) program management.

(4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.

(h) Prohibition on acquiring certain lethal chemical agents and munitions

(1) Except as provided in paragraph (2), no agency of the Federal Government may, after November 8, 1985, develop or acquire lethal chemical agents or munitions other than binary chemical weapons.

(2)(A) The Secretary of Defense may acquire any chemical agent or munition at any time for purposes of intelligence analysis.

(B) Chemical agents and munitions may be acquired for research, development, test, and evaluation purposes at any time, but only in quantities needed for such purposes and not in production quantities.

(i) Reaffirmation of United States position on first use of chemical agents and munitions

It is the sense of Congress that the President should publicly reaffirm the position of the United States as set out in the Geneva Protocol of 1925, which the United States ratified with reservations in 1975.

(j) Definitions

For purposes of this section:

(1) The term "chemical agent and munition" means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

(2) The term "lethal chemical agent and munition" means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

(3) The term "destruction" means, with respect to chemical munitions or agents—

(A) the demolishment of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.

(k) Effective date

The provisions of this section shall take effect on October 1, 1985.

(Pub. L. 99-145, title XIV, § 1412, Nov. 8, 1985, 99 Stat. 747.)

CODIFICATION

Section was enacted as part of the Department of Defense Authorization Act, 1986, and not as part of Pub. L. 91-121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

CHAPTER 33—WAR POWERS RESOLUTION

Sec.
1546a. Expedited procedures for certain joint resolutions and bills.

§ 1541. Purpose and policy

INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT

Pub. L. 98-525, title III, § 310, Oct. 19, 1984, 98 Stat. 2516, provided that:

"(a) The Congress makes the following findings:

"(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

"(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

"(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

"(b) It is the sense of Congress that—

"(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

"(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United

States Armed Forces must comply with the War Powers Resolution [this chapter]."

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8101], Oct. 12, 1984, 98 Stat. 1904, 1942, provided that:

"(a) The Congress makes the following findings:

"(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

"(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

"(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

"(b) It is the sense of Congress that—

"(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

"(2) if circumstances change from those present on the date of the enactment of this Act [Oct. 12, 1984] and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution [this chapter]."

Multinational Force in Lebanon Resolution

Pub. L. 98-119, Oct. 12, 1983, 97 Stat. 805, provided that:

"SHORT TITLE

"SECTION 1. This joint resolution may be cited as the 'Multinational Force in Lebanon Resolution'.

"FINDINGS AND PURPOSE

"SEC. 2. (a) The Congress finds that—

"(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

"(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the 'Multinational Force in Lebanon') which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

"(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

"(4) progress toward national political reconciliation in Lebanon is necessary; and

"(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution [50 U.S.C. 1541 et seq.].

"(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution [50 U.S.C. 1543(a)(1)] became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution [50 U.S.C. 1544(b)], the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

"(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

"AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

"SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution [50 U.S.C. 1544(b)], to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

"REPORTS TO THE CONGRESS

"SEC. 4. As required by section 4(c) of the War Powers Resolution [50 U.S.C. 1543(c)], the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

"(1) the activities being performed by the Multinational Force in Lebanon;

"(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

"(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

"(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

"(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

"STATEMENTS OF POLICY

"SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

"(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

"(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution [Oct. 12, 1983] and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

"DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

"SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution [50 U.S.C. 1541 et seq.] until the end of the eighteen-month period beginning on the date of enactment of this resolution [Oct. 12, 1983] unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

"(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

"(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

"(3) the implementation of other effective security arrangements in the area; or

"(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

"INTERPRETATION OF THIS RESOLUTION

"SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

"(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution [50 U.S.C. 1541 et seq.] or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

"CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

"SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this Act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine pursuant to its rules.

"(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

"(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

"(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement."

§ 1546a. Expedited procedures for certain joint resolutions and bills

Any joint resolution or bill introduced in either House which requires the removal of United States Armed Forces engaged in hostilities outside the territory of the United States, its possessions and territories, without a declaration of war or specific statutory authorization shall be considered in accordance with the procedures of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that any such resolution or bill shall be amendable. If such a joint resolution or bill should be vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to twenty hours in the Senate and in the House shall be determined in accordance with the Rules of the House.

(Pub. L. 98-164, title X, § 1013, Nov. 22, 1983, 97 Stat. 1062.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in text, is section 601(b) of Pub. L. 94-329, title VI, June 30, 1976, 90 Stat. 765, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Department of State Authorization Act, Fiscal Years 1984 and 1985, and not as part of the War Powers Resolution which comprises this chapter.

CHAPTER 34—NATIONAL EMERGENCIES

SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

§ 1622. National emergencies

(a) Termination methods

Any national emergency declared by the President in accordance with this subchapter shall terminate if—

(1) there is enacted into law a joint resolution terminating the emergency; or

(2) the President issues a proclamation terminating the emergency.

Any national emergency declared by the President shall be terminated on the date specified in any joint resolution referred to in clause (1) or on the date specified in a proclamation by the President terminating the emergency as provided in clause (2) of this subsection, whichever date is earlier, and any powers or authorities exercised by reason of said emergency shall cease to be exercised after such specified date, except that such termination shall not affect—

[*See main edition for text of* (A) *to* (C)]

(b) Termination review of national emergencies by Congress

Not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a joint resolution to determine whether that emergency shall be terminated.

(c) Joint resolution; referral to Congressional committees; conference committee in event of disagreement; filing of report; termination procedure deemed part of rules of House and Senate

(1) A joint resolution to terminate a national emergency declared by the President shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be. One such joint resolution shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee, unless such House shall otherwise determine by the yeas and nays.

(2) Any joint resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(3) Such a joint resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee and shall thereupon become the pending business of such House and shall be voted upon within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(4) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the day on which managers on the part of the Senate and the House have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

[*See main edition for text of* (5); (*d*)]

(As amended Pub. L. 99-93, title VIII, § 801, Aug. 16, 1985, 99 Stat. 448.)

Amendments

1985—Subsecs. (a) to (c). Pub. L. 99-93 substituted "there is enacted into law a joint resolution terminating the emergency" for "Congress terminates the emergency by concurrent resolution" in par. (1) of subsec. (a), and substituted "joint resolution" for "concurrent resolution" wherever appearing in second sentence of subsec. (a), subsec. (b), and pars. (1) to (4) of subsec. (c).

Blocking Iranian Government Property

For continuation of national emergency which resulted in blocking Iranian Government property, see Notice of President, Nov. 1, 1985, 50 F.R. 45901, set out as a note under section 1701 of this title.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

§ 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

References in Text

Section 2304(a)(1) of title 10, referred to in subsec. (a)(7), originally authorized purchases or contracts without formal advertising when necessary in the public interest during a national emergency declared by Congress or the President, and as amended generally by Pub. L. 98-369 now sets forth the competition requirements for procurement of property or services.

CHAPTER 35—INTERNATIONAL EMERGENCY ECONOMIC POWERS

§ 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

Iran Claims Settlement

Pub. L. 99-93, title V, Aug. 16, 1985, 99 Stat. 437, provided that:

"SEC. 501. RECEIPT AND DETERMINATION OF CERTAIN CLAIMS.

"(a) Authority of Foreign Claims Settlement Commission.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine the validity and amounts of claims by nationals of the United States against Iran which are settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order—

"(1) the terms of any settlement agreement;

"(2) the relevant provisions of the Declarations of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretations thereof by the Iran-United States Claims Tribunal; and

"(3) applicable principles of international law, justice, and equity.

Except as otherwise provided in this title, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to claims under this section. Any reference in such provisions to 'this title' [translated therein as 'this subchapter'] shall be deemed to refer to those provisions and to this section.

"(b) Certification and Payment.—The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) in accordance with section 5 of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1624). Such awards shall be paid in accordance with sections 7 and 8 of such title (22 U.S.C. 1626 and 1627), except that—

"(1) the Secretary of the Treasury is authorized to make payments pursuant to paragraphs (1) and (2) of section 8(c) of such title in the amount of $10,000 or the principal amount of the award, whichever is less; and

"(2) the Secretary of the Treasury may deduct, pursuant to section 7(b) of such title, an amount calculated in accordance with section 502(a) of this Act, instead of 5 percent of payments made pursuant to section 8(c) of such title.

"SEC. 502. DEDUCTIONS FROM ARBITRAL AWARDS.

"(a) Deduction for Expenses of the United States.—Except as provided in section 503, the Federal Reserve Bank of New York shall deduct from the aggregate amount awarded under each enumerated claim before the Iran-United States Claims Tribunal in favor of a United States claimant, an amount equal to 1½ percent of the first $5,000,000 and 1 percent of any amount over $5,000,000, as reimbursement to the United States Government for expenses incurred in connection with the arbitration of claims of United States claimants against Iran before that Tribunal and the maintenance of the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981. The Federal Reserve Bank of New York shall make the deduction required by the preceding sentence whenever the Bank receives an amount from the Security Account in satisfaction of an award rendered by the Iran-United States Claim Tribunal on the enumerated claim involved.

"(b) Deduction Treated as Miscellaneous Receipt.—Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be deposited into the Treasury of the United States to the credit of miscellaneous receipts.

"(c) Payment to United States Claimants.—Nothing in this section shall be construed to affect the payment to United States claimants of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts calculated in accordance with subsection (a).

"(d) Effective Date.—This section shall be effective as of June 7, 1982.

"SEC. 503. EN BLOC SETTLEMENT.

"The deduction by the Federal Reserve Bank of New York provided for in section 502(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 501(b) of this Act.

"SEC. 504. REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK.

"The Secretary of the Treasury may reimburse the Federal Reserve Bank of New York for expenses incurred by the Bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

"SEC. 505. CONFIDENTIALITY OF RECORDS.

"Notwithstanding section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal may not be disclosed to the general public, except that—

"(1) rules, awards, and other decisions of the Tribunal and claims and responsive pleadings filed at the Tribunal by the United States on its own behalf shall be made available to the public, unless the Secretary of State determines that public disclosure would be prejudicial to the interests of the United States or United States claimants in proceedings before the Tribunal, or that public disclosure would be contrary to the rules of the Tribunal; and

"(2) the Secretary of State may determine on a case-by-case basis to make such information available when in the judgment of the Secretary the interests of justice so require."

Continuation of National Emergency Which Resulted in Blocking Iranian Government Property

Notice of the President of the United States, dated Nov. 7, 1984, 49 F.R. 44741, provided:

On November 14, 1979, by Executive Order No. 12170 [set out as a note above], the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency were transmitted by the President to the Congress and the Federal Register on November 12, 1980, November 12, 1981, November 8, 1982, and November 4, 1983. Because our relations with Iran have not yet returned to normal and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1984. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the Federal Register and transmitted to the Congress.

Ronald Reagan.

Notice of the President of the United States, dated Nov. 1, 1985, 50 F.R. 45901, provided:

On November 14, 1979, by Executive Order No. 12170 [set out as a note above], the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency were transmitted by the President to the Congress and the Federal Register on November 12, 1980, November 12, 1981, November 8, 1982, November 4, 1983, and November 7, 1984. Because our relations with Iran have not yet returned to normal and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1985. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the Federal Register and transmitted to the Congress.

Ronald Reagan.

Executive Order No. 12444

Ex. Ord. No. 12444, Oct. 14, 1983, 48 F.R. 48215, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, set out below.

Ex. Ord. No. 12451. Continuation of Export Control Regulations

Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (hereinafter referred to as "the Act), it is hereby ordered as follows:

Section 1. In view of the extension by Public Law 98-207 (December 5, 1983) [amending 50 App. U.S.C. 2419], of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980 [50 App. U.S.C. 2403 note].

Sec. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Exective Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.

Ronald Reagan.

Executive Order No. 12470

Ex. Ord. No. 12470, Mar. 30, 1984, 49 F.R. 13099, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, set out below.

Continuation of Emergency Regarding Export Control Regulations

Notice of the President of the United States, dated Mar. 28, 1985, 50 F.R. 12513, provided:

On March 30, 1984, by Executive Order No. 12470, I declared a national emergency to deal with an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979. Because the Export Administration Act has not been replaced by the Congress, the national emergency declared on March 30, 1984, must continue in effect beyond March 30, 1985. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency in order to deal with the threat posed by the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and by certain boycott practices of foreign nations. This notice shall be published in the Federal Register and transmitted to the Congress.

Ronald Reagan.

Ex. Ord. No. 12513. Prohibiting Trade and Certain Other Transactions Involving Nicaragua

Ex. Ord. No. 12513, May 1, 1985, 50 F.R. 18629, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), chapter 12 of Title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of Title 3 of the United States Code.

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat.

I hereby prohibit all imports into the United States of goods and services of Nicaraguan origin; all exports from the United States of goods to or destined for Nicaragua, except those destined for the organized democratic resistance, and transactions relating thereto.

I hereby prohibt Nicaraguan air carriers from engaging in air transportation to or from points in the United States, and transactions relating thereto.

In addition, I hereby prohibit vessels of Nicaraguan registry from entering into United States ports, and transactions relating thereto.

The Secretary of the Treasury is delegated and authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the purposes of this Order.

The prohibitions set forth in this Order shall be effective as of 12:01 a.m., Eastern Daylight Time, May 7, 1985, and shall be transmitted to the Congress and published in the Federal Register.

Ronald Reagan.

Ex. Ord. No. 12525. Termination of Emergency Authority for Export Controls

Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

Section 1. In view of the extension by Public Law 99-64 (July 12, 1985) [amending 50 App. U.S.C. 2419] of the authorities contained in the Act, Executive Order No. 12470 of March 30, 1984, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12470 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, and Executive Order No. 12214 of May 2, 1980 [set out under 50 App. U.S.C. 2403].

Sec. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12470 relating to the administration of Section 38(e) of the Arms Export Control Act [22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.

Ronald Reagan.

Ex. Ord. No. 12532. Prohibiting Trade and Certain Other Transactions Involving South Africa

Ex. Ord. No. 12532, Sept. 9, 1985, 50 F.R. 36861, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Foreign Assistance Act (22 U.S.C. 2151 *et seq.*), the United Nations Participation Act (22 U.S.C. 287), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), the Export Administration Act (50 U.S.C. App. 2401 *et seq.*), the Atomic Energy Act (42 U.S.C. 2011 *et seq.*), the Foreign Service Act (22 U.S.C. 3901 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. App.), Section 301 of Title 3 of the United States Code, and considering the measures which the United Nations Security Council has decided on or recommended in Security Council Resolutions No. 418 of November 4, 1977, No. 558 of December 13, 1984, and No. 569 of July 26, 1985, and considering that the policy and practice of apartheid are repugnant to the moral and political values of democratic and free societies and run counter to United States policies to promote democratic governments throughout the world and respect for human rights, and the policy of the United States to influence peaceful change in South Africa, as well as the threat posed to United States interests by recent events in that country,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of South Africa constitute an unusual and extraordinary threat to the foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

SECTION 1. Except as otherwise provided in this section, the following transactions are prohibited effective October 11, 1985:

(a) The making or approval of any loans by financial institutions in the United States to the Government of South Africa or to entities owned or controlled by that Government. This prohibition shall enter into force on November 11, 1985. It shall not apply to (i) any loan or extension of credit for any educational, housing, or health facility which is available to all persons on a nondiscriminatory basis and which is located in a geographic area accessible to all population groups without any legal or administrative restriction; or (ii) any loan or extension of credit for which an agreement is entered into before the date of this Order.

The Secretary of the Treasury is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection. The initial rules and regulations shall be issued within sixty days. The Secretary of the Treasury may, in consultation with the Secretary of State, permit exceptions to this prohibition only if the Secretary of the Treasury determines that the loan or extension of credit will improve the welfare or expand the economic opportunities of persons in South Africa disadvantaged by the apartheid system, provided that no exception may be made for any apartheid enforcing entity.

(b) All exports of computers, computer software, or goods or technology intended to service computers to or for use by any of the following entities of the Government of South Africa:

(1) The military;

(2) The police;

(3) The prison system;

(4) The national security agencies;

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research;

(6) The administering authorities for the black passbook and similar controls;

(7) Any apartheid enforcing agency;

(8) Any local or regional government or "homeland" entity which performs any function of any entity described in paragraphs (1) through (7).

The Secretary of Commerce is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection and to implement a system of end use verification to ensure that any computers exported directly or indirectly to South Africa will not be used by any entity set forth in this subsection.

(c)(1) Issuance of any license for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility; any authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa; any license for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and any approval of retransfers to South Africa of any goods, technology, special nuclear material, components, items, or substances described in this section. The Secretaries of State, Energy, Commerce, and Treasury are hereby authorized to take such actions as may be necessary to carry out this subsection.

(2) Nothing in this section shall preclude assistance for International Atomic Energy Agency safeguards or IAEA programs generally available to its member states, or for technical programs for the purpose of reducing proliferation risks, such as for reducing the use of highly enriched uranium and activities envisaged by section 223 of the Nuclear Waste Policy Act (42 U.S.C. 10203) or for exports which the Secretary of State determines are necessary for humanitarian reasons to protect the public health and safety.

(d) The import into the United States of any arms, ammunition, or military vehicles produced in South Africa or of any manufacturing data for such articles. The Secretaries of State, Treasury, and Defense are hereby authorized to take such actions as may be necessary to carry out this subsection.

SEC. 2. (a) The majority of United States firms in South Africa have voluntarily adhered to fair labor principles which have benefitted those in South Africa who have been disadvantaged by the apartheid system. It is the policy of the United States to encourage strongly all United States firms in South Africa to follow this commendable example.

(b) Accordingly, no department or agency of the United States may intercede after December 31, 1985, with any foreign government regarding the export marketing activity in any country of any national of the United States employing more than 25 individuals in South Africa who does not adhere to the principles stated in subsection (c) with respect to that national's operations in South Africa. The Secretary of State shall promulgate regulations to further define the employers that will be subject to the requirements of this subsection and procedures to ensure that such nationals may register that they have addhered to the principles.

(c) The principles referred to in subsection (b) are as follows:

(1) Desegregating the races in each employment facility;

(2) Providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) Assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) Increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health;

(7) Implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(d) United States nationals referred to in subsection (b) are encouraged to take reasonable measures to extend the scope of their influence on activities outside the workplace, by measures such as supporting the right of all businesses, regardless of the racial character of their owners or employees, to locate in urban areas, by influencing other companies in South Africa to follow the standards specified in subsection (c) and by supporting the freedom of mobility of all workers, regardless of race, to seek employment opportunities wherever they exist, any by making provision for adequate housing for families of employees within the proximity of the employee's place of work.

Sec. 3. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices described in section (2)(c) are applied to their South African employees.

Sec. 4. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable and to the extent permitted by law, in procuring goods or services in South Africa, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by persons in South Africa disadvantaged by the apartheid system.

Sec. 5. (a) The Secretary of State and the United States Trade Representative are directed to consult with other parties to the General Agreement on Tariffs and Trade with a view toward adopting a prohibition on the import of Krugerrands.

(b) The Secretary of the Treasury is directed to conduct a study to be completed within sixty days regarding the feasibility of minting and issuing gold coins with a view toward expeditiously seeking legislative authority to accomplish the goal of issuing such coins.

Sec. 6. In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

Sec. 7. The Secretary of State shall establish, pursuant to appropriate legal authority, an Advisory Committee on South Africa to provide recommendations on measures to encourage peaceful change in South Africa. The Advisory Committee shall provide its initial report within twelve months.

Sec. 8. The Secretary of State is directed to take the steps necessary pursuant to the Foreign Assistance Act [22 U.S.C. 2151 et seq.] and related legislation to (a) increase the amount of internal scholarships provided to South Africans disadvantaged by the apartheid system up to $8 million from funds made available for Fiscal Year 1986, and (b) increase the amount allocated for South Africa from funds made available for Fiscal Year 1986 in the Human Rights Fund up to $1.5 million. At least one-third of the latter amount shall be used for legal assistance for South Africans. Appropriate increases in the amounts made available for these purposes will be considered in future fiscal years.

Sec. 9. This Order is intended to express and implement the foreign policy of the United States. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Ronald Reagan.

Ex. Ord. No. 12535. Prohibition of the Importation of the South African Krugerrand

Ex. Ord. No. 12535, Oct. 1, 1985, 50 F.R. 40325, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), in order to take steps additional to those set forth in Executive Order No. 12532 of September 9, 1985 [set out above], to deal with the unusual and extraordinary threat to the foreign policy and economy of the United States referred to in that Order, and in view of the continuing nature of that emergency, the recommendations made by the United Nations Security Council in Resolution No. 569 of July 26, 1985, and the completion of consultations by the Secretary of State and the United States Trade Representative directed by Section 5(a) of Executive Order No. 12532, it is hereby ordered that the importation into the United States of South African Krugerrands is prohibited effective 12:01 a.m. Eastern Daylight Time October 11, 1985. The Secretary of the Treasury is authorized to promulgate such rules and regulations as may be necessary to carry out this prohibition.

Ronald Reagan.

Ex. Ord. No. 12543. Prohibiting Trade and Certain Transactions Involving Libya

Ex. Ord. No. 12543, Jan. 7, 1986, 51 F.R. 875, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), sections 504 and 505 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) [22 U.S.C. 2349aa-8, 2349aa-9], section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514) [49 App. U.S.C. 1514], and section 301 of title 3 of the United States Code.

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of Libya constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The import into the United States of any goods or services of Libyan origin, other than publications and materials imported for news publications or news broadcast dissemination;

(b) The export to Libya of any goods, technology (including technical data or other information) or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes;

(c) Any transaction by a United States person relating to transportation to or from Libya; the provision of transportation to or from the United States by any Libyan person or any vessel or aircraft of Libyan registration; or the sale in the United States by any person holding authority under the Federal Aviation Act [49 App. U.S.C. 1301 et seq.] of any transportation by air which includes any stop in Libya;

(d) The purchase by any United States person of goods for export from Libya to any country;

(e) The performance by any United States person of any contract in support of an industrial or other commerical or governmental project in Libya;

(f) The grant or extension of credits or loans by any United States person to the Government of Libya, its instrumentalities and controlled entities;

(g) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Libya, or to activities by any such person within Libya, after the date of this Order, other than transactions necessary to effect such person's departure from Libya, to perform acts permitted until February 1, 1986, by Section 3 of this Order, or travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization; and

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

For purposes of this Order, the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States or any person in the United States.

SEC. 2. In light of the prohibition in Section 1(a) of this Order, section 251 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1881), and section 126 of the Trade Act of 1974, as amended (19 U.S.C. 2136) will have no effect with respect to Libya.

SEC. 3. This Order is effective immediately, except that the prohibitions set forth in Section 1(a), (b), (c), (d) and (e) shall apply as of 12:01 a.m. Eastern Standard Time, February 1, 1986.

SEC. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this Order. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Libya, its instrumentalities and controlled entities, or to any Libyan national or entity owned or controlled, directly or indirectly, by Libya or Libyan nationals. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government. All agencies of the United States government are directed to take all appropriate measures within their authority to carry out the provisions of this Order, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

This Order shall be transmitted to the Congress and published in the Federal Register.

RONALD REAGAN.

EX. ORD. NO. 12544. BLOCKING LIBYAN GOVERNMENT PROPERTY IN THE UNITED STATES OR HELD BY U.S. PERSONS

Ex. Ord. No. 12544, Jan. 8, 1986, 51 F.R. 1235, provided:

By the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3 of the United States Code, in order to take steps with respect to Libya additional to those set forth in Executive Order No. 12543 of January 7, 1986 [set out above], to deal with the threat to the national security and foreign policy of the United States referred to in that Order,

I, RONALD REAGAN, President of the United States, hereby order blocked all property and interests in property of the Government of Libya, its agencies, instrumentalities and controlled entities and the Central Bank of Libya that are in the United States, that hereafter come within the United States or that are or hereafter come within the possession or control of U.S. persons, including overseas branches of U.S. persons.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to employ all powers granted to me by the International Emergency Economics [sic] Power[s] Act, 50 U.S.C. 1701 *et seq.*, to carry out the provisions of this Order.

This Order is effective immediately and shall be transmitted to the Congress and published in the Federal Register.

RONALD REAGAN.

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

§ 1805. Issuance of order

[*See main edition for text of (a) to (e)*]

(f) Testing of electronic equipment; discovering unauthorized electronic surveillance; training of intelligence personnel

Notwithstanding any other provision of this chapter, officers, employees, or agents of the United States are authorized in the normal course of their official duties to conduct electronic surveillance not targeted against the communications of any particular person or persons, under procedures approved by the Attorney General, solely to—

[*See main edition for text of (1)*]

(2) determine the existence and capability of electronic surveillance equipment being used by persons not authorized to conduct electronic surveillance, if—

[*See main edition for text of (A) and (B)*]

(C) any information acquired by such surveillance is used only to enforce chapter 119 of title 18, or section 605 of title 47, or to protect information from unauthorized surveillance; or

[*See main edition for text of (3); (g)*]

(As amended Pub. L. 98-549, § 6(b)(3), Oct. 30, 1984, 98 Stat. 2804.)

AMENDMENTS

1984—Subsec. (f)(2)(C). Pub. L. 98-549 substituted "section 705" for "section 605" in the original to accommodate renumbering of sections in subchapter VI (section 601 et seq.) of chapter 5 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, by section 6(a) of Pub. L. 98-549. Because both sections translate as "section 605 of Title 47", the amendment by Pub. L. 98-549 resulted in no change in text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

TRADING WITH THE ENEMY ACT OF 1917

ACT OCT. 6, 1917, CH. 106, 40 STAT. 411

§ 5. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties

EXTENSION OF THE EXERCISE OF CERTAIN AUTHORITIES UNDER THE TRADING WITH THE ENEMY ACT

Memorandum of the President of the United States, Sept. 5, 1985, 50 F.R. 36563, provided:

Memorandum for the Secretary of State, the Secretary of the Treasury

Under section 101(b) of Public Law 95-223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination made by the President on September 11, 1984 (49 F.R. 35927), the exercise of certain authorities under the Trading With the Enemy Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] is scheduled to terminate on September 14, 1985.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95-223 [set out as a note above], I extend for one year, until September 14, 1986, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR Part 500;

(2) the Transaction Control Regulations, 31 CFR Part 505;

(3) the Cuban Assets Control Regulations, 31 CFR Part 515; and

(4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.

Prior extensions were contained in the following:

Memorandum of the President, Sept. 11, 1984, 49 F.R. 35927.

Memorandum of the President, Sept. 7, 1983, 48 F.R. 40695.

Memorandum of the President, Sept. 8, 1982, 47 F.R. 39797.

Memorandum of the President, Sept. 10, 1981, 46 F.R. 45321.

Memorandum of the President, Sept. 8, 1980, 45 F.R. 59549.

Memorandum of the President, Sept. 12, 1979, 44 F.R. 53153.

Memorandum of the President, Sept. 8, 1978, 43 F.R. 40449.

§ 13. Statements by masters of vessels and owners of cargoes before granting clearances

During the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen [46 App. U.S.C. 91, 94] to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen.

(Oct. 6, 1917, ch. 106, § 13, 40 Stat. 424.)

REFERENCES IN TEXT

R.S. § 4200, referred to in text, which was classified to section 92 of former Title 46, Shipping, was repealed by Pub. L. 87-826, § 3, Oct. 15, 1962, 76 Stat. 953.

CODIFICATION

Section is set out in this supplement to reflect the transfer of R.S. §§ 4197 and 4198, referred to in text, to Title 46, Appendix, Shipping.

§ 39. Retention of properties or interests of Germany and Japan and their nationals; compensation; proceeds covered into Treasury; transfer to War Claims Fund; limitation; payments to successor organizations receiving heirless property; reimbursement of Attorney General; deductions for certain administrative expenses; transfer to Federal Republic of Germany; ex gratia payment to Switzerland

[*See main edition for text of* (a) *to* (e)]

(f) Notwithstanding any of the provisions of subsections (a) through (d) of this section, the Attorney General is authorized to pay from property vested in or transferred to the Attorney General under this Act [sections 1 to 6, 7 to

39, and 41 to 44 of this Appendix], the sum of $20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980.

(As amended Aug. 16, 1985, Pub. L. 99-93, title VIII, § 803, 99 Stat. 449.)

AMENDMENTS

1985—Subsec. (f). Pub. L. 99-93 added subsec. (f).

MILITARY SELECTIVE SERVICE ACT

ACT JUNE 24, 1948, CH. 625, 62 STAT. 604

§ 453. Registration

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 454, 456, 462, 465, of this Appendix; title 5 section 3328; title 29 section 1504; title 42 sections 294d, 294n.

§ 456. Deferments and exemptions from training and service

[See main edition for text of (a) to (n)]

(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title [sections 451 to 471a of this Appendix] unless he volunteers for such induction—

(1) if the father or the mother or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or

(2) during any period of time in which the father or the mother or a brother or a sister of such person is in a captured or missing status as a result of such service.

As used in this subsection, the term "brother" or "sister" means a brother of the whole blood or a sister of the whole blood, as the case may be.

(As amended Oct. 19, 1984, Pub. L. 98-525, title XV, § 1531, 98 Stat. 2631.)

AMENDMENTS

1984—Subsec. (o). Pub. L. 98-525 inserted reference to mother in cls. (1) and (2), exempting from induction any person whose mother was killed in line of duty.

§ 460. Selective Service System

AMENDMENT OF SUBSECTION (b)(7)

Pub. L. 98-473, title II, §§ 234, 235(a)(1), Oct. 12, 1984, 98 Stat. 2031, as amended, provided that, effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), subsection (b)(7) of this section is amended by deleting "parole" and substituting "release". See Effective Date note set out under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 462. Offenses and penalties

(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title [sections 451 to 471a of this Appendix], or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title [said sections], rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making, of any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title [said sections], or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title [said sections], or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title [said sections], or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title [said sections], or rules, regulations, or directions made pursuant to this title [said sections], or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title [said sections] or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title [said sections] unless such person has been actually inducted for the training and service prescribed under this title [said sections] or unless he is subject to trial by court martial under laws in force prior to the enactment of this title [June 24, 1948].

[See main edition for text of (b) to (f)]

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(54), 98 Stat. 3361.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-620 struck out provision requiring that precedence be given by courts to the trial of cases arising under sections 451 to 471a of this Appendix, and that such cases had to be advanced on the docket for immediate hearing, and that an appeal from the decision or decree of any United States district court or United States court of appeals would take precedence over all other cases pending before the court to which the case had been referred.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

Study on Compliance of Health Professions Schools With Military Selective Service Act

Pub. L. 99-129, title II, § 222, Oct. 22, 1985, 99 Stat. 544, provided that: "The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act [50 App. U.S.C. 453] (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the date of enactment of this Act [Oct. 22, 1985]."

§ 473. Regulations governing liquor sales; penalties

Subject to section 2683(c) of title 10, United States Code, the Secretary of Defense is authorized to make such regulations as he may deem to be appropriate governing the sale, consumption, possession of or traffic in beer, wine, or any other intoxicating liquors to or by members of the Armed Forces or the National Security Training Corps at or near any camp, station, post, or other place primarily occupied by members of the Armed Forces or the National Security Training Corps. Any person, corporation, partnership, or association who knowingly violates the regulations which may be made hereunder shall, unless otherwise punishable under the Uniform Code of Military Justice, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both.

(As amended Nov. 8, 1985, Pub. L. 99-145, title XII, § 1224(b)(2), 99 Stat. 729.)

Amendments

1985—Pub. L. 99-145 substituted "Subject to section 2683(c) of title 10, United States Code, the" for "The".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99-145 effective 90 days after Nov. 8, 1985, see section 1224(d) of Pub. L. 99-145, set out as a note under section 2683 of Title 10, Armed Forces.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

ARTICLE V—TAXES AND PUBLIC LANDS

§ 573. Income taxes; collection deferred; interest; statute of limitations

Section Referred to in Other Sections

This section is referred to in title 18 section 3613.

NATIONAL EMERGENCY AND WAR SHIPPING ACTS

ACT MAR. 24, 1943, CH. 26, 57 STAT. 45

§ 1291. Rights of American seamen on privately owned and operated American vessels extended to seamen employed through the War Shipping Administration; exceptions; definitions

(a) Officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act [42 U.S.C. 301 et seq.], as amended by subsection (b)(2) and (3) of this section; (2) death, injuries, illness, maintenance and cure, loss of effects, detention, or repatriation, or claims arising therefrom not covered by the foregoing clause (1); and (3) collection of wages and bonuses and making of allotments, have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. Such seamen, because of the temporary wartime character of their employment by the War Shipping Administration, shall not be considered as officers or employees of the United States for the purposes of the United States Employees Compensation Act, as amended [5 U.S.C. 8101 et seq.]; the Civil Service Retirement Act, as amended [5 U.S.C. 8331 et seq.]; the Act of Congress approved March 7, 1942 (Pub. Law 490, Seventy-seventh Congress) or the Act entitled "An Act to provide benefits for the injury, disability, death, or detention of employees of contractors with the United States and certain other persons or reimbursement therefor", approved December 2, 1942 (Public Law 784, Seventy-seventh Congress) [42 U.S.C. 1701 et seq.]. Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seaman were employed on a privately owned and operated American vessel. Any claim referred to in clause (2) or (3) hereof shall, if administratively disallowed in whole or in part, be enforced pursuant to the provisions of the Suits in Admiralty Act [46 App. U.S.C. 741 et seq.], notwithstanding the vessel on which the seaman is employed is not a merchant vessel within the meaning of such Act [said sections]. Any claim, right, or cause of action of or in respect of any such seaman accruing on or after October 1, 1941, and prior to the date of enactment of this section [Mar. 24, 1943] may be enforced, and upon the election of the seaman or his surviving dependent or beneficiary, or his legal representative to do so shall be governed, as if this section had been in effect when such claim, right, or cause of action accrued, such election to be made in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration. Rights of any seaman under the Social Security Act [42 U.S.C. 301 et seq.], as amended by subsection (b)(2) and (3), and claims therefor shall be governed solely by the provisions of such Act, so amended. When used in this subsection the term "administratively disallowed" means a denial of a written claim in accordance with rules or regulations prescribed by the Administrator, War Shipping Administration. When used in this subsection the terms "War Shipping Administration" and "Administrator, War Shipping Administration" shall be deemed to include the United States Maritime Commission with respect to the period beginning October 1, 1941, and ending February 11, 1942, and the term "seaman" shall be deemed to include any seaman employed as an employee of the United States through the War Shipping Administration on vessels made available to or subchartered to other agencies or departments of the United States.

[*See main edition for text of* (*b*) *and* (*c*); *credits*]

References in Text

The Suits in Admiralty Act, referred to in subsec. (a), is act Mar. 9, 1920, ch. 95, 41 Stat. 525, as amended, which is classified generally to chapter 20 (§ 741 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see Short Title note set out under section 741 of Title 46, Appendix, and Tables.

Codification

Subsec. (a) is set out in this supplement to reflect the transfer of the Suits in Admiralty Act, referred to in text, to Title 46, Appendix, Shipping.

Vessel Operations Under Revolving Fund

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of subsecs. (a) and (c) of this section to, see section 1241a of Title 46, Appendix, Shipping.

Section Referred to in Other Sections

This section is referred to in title 5 section 5541; title 46 App. section 1241a.

§ 1293. Payment of compensation; insurance

[*See main edition for text of* (*a*) *and* (*b*)]

(c) In the event that a vessel the title or use and possession of which is requisitioned or taken pursuant to section 902 of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1242], or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress) [sections 1271 to 1275 of this Appendix], is in the custody of any court, State or Federal, it shall be the duty of all agents and officers of the court having possession, custody, or control of said vessel, forthwith upon the filing with the clerk of said court of a certified copy of the order of requisitioning or taking, and without further order of the court, to comply with said requisitioning or taking and to permit the representatives of the United States Maritime Commission or the War Shipping Administration, as the case may be, to take possession, custody, and control of said vessel.

(d) Omitted [Amendment of section 902 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1242)].

[*See main edition for text of* (*e*) *to* (*k*); *credits*]

Codification

Subsecs. (c) and (d) are set out in this supplement to reflect the transfer of section 902 of the Merchant Marine Act, 1936, referred to in text, to Title 46, Appendix, Shipping.

Section Referred to in Other Sections

This section is referred to in title 46 App. section 1241a.

§ 1294. United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels

Vessel Operations Under Revolving Fund

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of this section to, see section 1241a of Title 46, Appendix, Shipping.

Section Referred to in Other Sections

This section is referred to in title 46 App. section 1241a.

TEMPORARY APPOINTMENTS OF ARMY NURSE CORPS MEMBERS, ETC., AS OFFICERS OF ARMY OF THE UNITED STATES

ACT JUNE 22, 1944, CH. 272, 58 STAT. 324

§§ 1591 to 1598. Repealed. Pub. L. 99–145, title XIII, § 1301(e)(1), Nov. 8, 1985, 99 Stat. 737

Section 1591, act June 22, 1944, ch. 272, § 1, 58 Stat. 324, related to temporary appointments as officers in the Army of the United States under the provisions of act Sept. 22, 1941, ch. 414, 55 Stat. 728, of members of the Army Nurse Corps, females qualified for appointment in such Corps, female dietetic and physical-therapy personnel of the Army Medical Department, and females qualified for appointment in such Department as female dietetic or physical-therapy personnel.

Section 1592, act June 22, 1944, ch. 272, § 2, 58 Stat. 325, provided that persons appointed as officers in the United States Army under section 1591 of this Appendix, and their dependents and beneficiaries, have all rights, privileges, and benefits accorded in like cases to persons appointed under act Sept. 22, 1941.

Section 1593, act June 22, 1944, ch. 272, § 3, 58 Stat. 325, related to retirement of persons appointed under section 1591 of this Appendix, and retirement for disability of Army Nurse Corps members between Dec. 7, 1941, and June 22, 1944, or of any female dietitian or physical-therapy aide between Jan. 12, 1943, and June 22, 1944.

Section 1594, act June 22, 1944, ch. 272, § 4, 58 Stat. 325, related to computation of years of service of Army Nurse Corps members appointed under section 1591 of this Appendix.

Section 1595, act June 22, 1944, ch. 272, § 5, 58 Stat. 325, related to computation of years of service of female dietetic and physical-therapy personnel appointed under section 1591 of this Appendix, and included service rendered under Act December 22, 1942, ch. 805, 56 Stat. 1072.

Section 1596, act June 22, 1944, ch. 272, § 6, 58 Stat. 325, related to uniform allowances and issues for women appointed as officers in the Army of the United States under section 1591 of this Appendix.

Section 1597, act June 22, 1944, ch. 272, § 7, 58 Stat. 326, related to blanket order appointments by the President of persons described in section 1591 of this Appendix, acceptance or declination of such appointments, and oaths of office.

Section 1598, act June 22, 1944, ch. 272, § 8, 58 Stat. 326, related to award of mileage allowances to women appointed in the Army Nurse Corps, female dietitians and physical-therapy aides appointed in the Army

Medical Department, and women appointed from civilian life under section 1591 of this Appendix in the same amount as for persons appointed under act Sept. 22, 1941, ch. 414, 55 Stat. 728.

PERSON APPOINTED AND ASSIGNED UNDER FORMER SECTION 1591

Section 1301(e)(2) of Pub. L. 99-145 provided that: "The repeal made by paragraph (1) [repealing sections 1591 to 1598 of this Appendix] shall not apply in the case of any person appointed and assigned under the first section of the Act [section 1591 of this Appendix] repealed by such paragraph, as such Act was in effect on the day before the date of the enactment of this Act [Nov. 8, 1985]."

SALE OF SURPLUS WAR-BUILT VESSELS

ACT MAR. 8, 1946, CH. 82, 60 STAT. 41

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in section 1745a of this Appendix; title 40 section 270f; title 46 App. section 1160.

§ 1736. Definitions

As used in this Act [sections 1735 to 1746 of this Appendix] the term—

[See main edition for text of (a) to (f)]

(g) "Citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended [46 App. U.S.C. 802]. The term "affiliated interest" as used in sections 9 and 10 of this Act [sections 1742 and 1743 of this Appendix] includes any person affiliated or associated with a citizen applicant for benefits under this Act [sections 1735 to 1746 of this Appendix] who the Secretary, pursuant to rules and regulations prescribed hereunder, determines should be so included in order to carry out the policy and purposes of this Act [said sections].

[See main edition for credits]

CODIFICATION

Subsec. (g) is set out in this supplement to reflect the transfer of section 2 of the Shipping Act of 1916, referred to in text, to Title 46, Appendix, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1738, 1739, 1745 of this Appendix; title 46 App. section 864a.

§ 1737. Sales of vessels to citizens; sales price; down payment and installment payments; restrictions on vessel operation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1741 of this Appendix; title 46 App. section 1153.

§ 1738. Charter of vessels

[See main edition for text of (a) and (b)]

(c) Laws applicable to charter hire

The provisions of sections 708, 709, 710, 712, and 713 of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1198 to 1200, 1202, 1203], shall be applicable to charters made under this section.

[See main edition for text of (d) and (e)]

(f) Charter of passenger vessels

(1) Notwithstanding the provisions of sections 11 and 14 of this Act, as amended [sections 1744 and 1735 note of this Appendix], the Secretary of Transportation may charter any passenger vessel, whether or not war-built, owned by the United States on or after June 30, 1950, pursuant to title VII of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1191 et seq.] and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section.

[See main edition for text of (2); credits]

REFERENCES IN TEXT

The Merchant Marine Act, 1936, as amended, referred to in subsec. (f)(1), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended. Title VII of the Merchant Marine Act, 1936, is classified generally to subchapter VII (§ 1191 et seq.) of chapter 27 of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

CODIFICATION

Subsecs. (c) and (f)(1) are set out in this supplement to reflect the transfer of the Merchant Marine Act, 1936, referred to in text, to Title 46, Appendix, Shipping.

§ 1738a. Termination of charters; exceptions

REFERENCES IN TEXT

This joint resolution, referred to in text, means act June 29, 1949, ch. 281, 63 Stat. 349, as amended, which enacted this section and section 864b of Title 46, Appendix, Shipping, and amended section 1744 of this Appendix, notes set out under sections 1735 and 1739 of this Appendix, and note preceding section 1 of Title 46, Appendix.

§ 1739. Sale of vessels to non-citizens; conditions; priority of mortgage on unpaid balance

(a) Any person not a citizen of the United States may make application to the Secretary to purchase a war-built vessel (other than a P-2 type or other passenger type and other than a Liberty type collier or tanker), under the jurisdiction and control of the Secretary. If the Secretary determines—

(1) that the applicant has the financial resources, ability, and experience necessary to enable him to fulfill all obligations with respect to payment of any deferred portion of the purchase price, and that sale of the vessel to him would not be inconsistent with any policy of the United States in permitting foreign sales under section 9 of the Shipping Act, 1916, as amended [46 App. U.S.C. 808]; and

[See main edition for text of (2) to (4)]

then the Secretary is authorized to approve the application and sell such vessel to the applicant at not less than the statutory sales price. In case of application submitted by a citizen of the

Commonwealth of the Philippines, paragraph (4) of this subsection shall not apply. Notwithstanding paragraph (4) of this subsection, not to exceed ten "C" type vessels, except C-3's, may be sold to noncitizens at any time after such date of publication at not less than the statutory sales price.

[*See main edition for text of* (b); *credits*]

CODIFICATION

Subsec. (a)(1) is set out in this supplement to reflect the transfer of section 9 of the Shipping Act, 1916, referred to in text, to Title 46, Appendix, Shipping.

§ 1741. Exchange of vessels

(a) Allowance as credit on purchase price; vessels acceptable

The Secretary is authorized to acquire, in exchange for an allowance of a credit on the purchase of any war-built vessel under section 4 [section 1737 of this Appendix] or any vessel acquired through exchange under subsection (d) of this section—

[*See main edition for text of* (*1*) *and* (*2*)]

Such allowance shall not be applied upon the cash payment required under section 4 [section 1737 of this Appendix]. A war-built vessel shall be deemed a "new vessel" for the purpose of section 511 of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1161], and section 510(e) of such Act [46 App. U.S.C. 1160(e)] shall be applicable with respect to vessels exchanged under this section to the same extent as applicable to obsolete vessels exchanged under section 510 of such Act [46 App. U.S.C. 1160].

[*See main edition for text of* (b) *to* (d); *credits*]

CODIFICATION

Subsec. (a) is set out in this supplement to reflect the transfer of sections 510 and 511 of the Merchant Marine Act, 1936, referred to in text, to Title 46, Appendix, Shipping.

§ 1744. Composition of national defense reserve fleet; vessels available to State marine schools

(a) The Secretary of Transportation shall place in a national defense reserve (1) such vessels owned by the Department of Transportation as, after consultation with the Secretary of the Army and the Secretary of the Navy, he deems should be retained for the national defense, and (2) all vessels owned by the Department of Transportation on June 30, 1950, for the sale of which a contract has not been made by that time, except those determined by the Secretary of Transportation to be of insufficient value for commercial and national defense purposes to warrant their maintenance and preservation, and except those vessels, the contracts for the construction of which are made after September 2, 1945, under the provisions of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1101 et seq.]. A vessel under charter on March 1, 1948, shall not be placed in the reserve until the termination of such charter. Unless otherwise provided for by law, all vessels placed in such reserve shall be preserved and maintained by the Secretary of Transportation for the purpose of national defense. A vessel placed in such reserve shall in no case be used for any purpose whatsoever except that any such vessel may be used for account of any agency or department of the United States during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1242], and that any such vessel may be used under a bare-boat charter entered into pursuant to authority vested in the Secretary of Transportation on July 1, 1950, or granted to the Secretary of Transportation after such date.

[*See main edition for text of* (b); *credits*]

REFERENCES IN TEXT

The Merchant Marine Act, 1936, as amended, referred to in subsec. (a), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§ 1101 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

Act of July 29, 1941 (Public Law 191, seventy-seventh Congress; 55 Stat. 607), referred to in subsec. (b), which enacted sections 1337 to 1341 of former Title 46, Shipping, and amended section 1336 of former Title 46, was repealed by Pub. L. 85-672, § 9, Aug. 18, 1958, 72 Stat. 624.

CODIFICATION

Subsec. (a) is set out in this supplement to reflect the transfer of the Merchant Marine Act, 1936, referred to in text, to Title 46, Appendix, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1738 of this Appendix; title 46 App. sections 1152, 1160.

§ 1745. Reconversion of vessels for normal commercial operation; applicability of other laws to construction contracts; coastwise trade; disposition of moneys; Great Lakes trade

[*See main edition for text of* (a) *and* (b)]

(c) Notwithstanding the provisions of section 27 of the Merchant Marine Act, 1920, as amended [46 App. U.S.C. 883], no vessel sold or chartered by the Secretary under this Act [sections 1735 to 1746 of this Appendix] to a citizen of the United States shall be prohibited from engaging in the coastwise trade of the United States while owned by or chartered to such citizen or citizen successors in interest merely because it was under foreign registry on or after May 27, 1941, and prior to its sale or charter under this Act [said sections] to such citizen, if it is otherwise entitled under the laws of the United States to engage in such trade.

(d) All moneys received by the Secretary under this Act [sections 1735 to 1746 of this Appendix] shall be deposited in the Treasury to the credit of miscellaneous receipts. The provisions of sections 201(d), 204(b), 207, 209(a), and 905(c) of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1111(d), 1114(b), 1117, 1119(a), 1244(c)], shall apply to all activities and functions which the Secretary is authorized to perform under this Act [said sections].

[*See main edition for text of* (e); *credits*]

CODIFICATION

Subsecs. (c) and (d) are set out in this supplement to reflect the transfer of section 27 of the Merchant Marine Act, 1920, and sections 201, 204, 207, 209, and 905 of the Merchant Marine Act, 1936, referred to in text, to Title 46, Appendix, Shipping.

AMERICAN-JAPANESE EVACUATION CLAIMS

ACT JULY 2, 1948, CH. 814, 62 STAT. 1231

§ 1984. Compromise of claims by Attorney General; jurisdiction of United States Claims Court to determine claims timely filed; report to Congress; payment of awards; finality of decisions

[*See main edition for text of* (a)]

(b) The United States Claims Court shall have jurisdiction to determine any claim timely filed under this Act [sections 1981 to 1987 of this Appendix]. A petition for the determination of a claim by the United States Claims Court shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of such petition, the United States Claims Court shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the United States Claims Court the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case.

[*See main edition for text of* (c) *and* (d)]

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(55), 98 Stat. 3361.)

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-620 struck out provisions that required that such petitions be treated for docketing, hearing and determination, to the fullest practicable extent, as if the petition had been filed with the United States Claims Court on the date the original claim was received by the Attorney General, but that no such petition would have precedence over petitions involving interest-bearing obligations of the United States.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

DEFENSE PRODUCTION ACT OF 1950

ACT SEPT. 8, 1950, CH. 932, 64 STAT. 798

TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

Sec.	
2099.	Annual report on impact of offsets.

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in sections 2182, 2183 of this Appendix; title 30 section 1604; title 42 sections 1591a, 1593e, 6272, 8701, 8775.

§ 2061. Short title

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-265, § 1, Apr. 17, 1984, 98 Stat. 149, provided that: "This Act [enacting section 2099 of this Appendix and amending sections 2091, 2092, 2093, 2161, and 2166 of this Appendix] may be cited as the 'Defense Production Act Amendments of 1984'."

TITLE I—PRIORITIES AND ALLOCATIONS

§ 2071. Priority in contracts and orders

EXPIRATION ON JUNE 30, 1989, OF PRESIDENTIAL AUTHORITY TO ISSUE ORDERS RELATING TO DOMESTIC ENERGY SUPPLIES

Section 104(b)(1) of Pub. L. 94-163, as amended by Pub. L. 99-58, title I, § 101(b), July 2, 1985, 99 Stat. 102, provided that: "The authority to issue any rules or orders under section 101(c) of the Defense Production Act of 1950, as amended by this Act [subsec. (c) of this section], shall expire at midnight June 30, 1989, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to such date."

TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

§ 2091. Loan guarantees

(a) Purpose of loans; guaranteeing agencies; Presidential determinations

[*See main edition for text of* (1) *and* (2)]

(3) Except during periods of national emergency declared by the Congress or the President, a guarantee may be entered into under this section only if the President determines that—

(A) the guaranteed contract or operation is for a material, or the performance of a service, which is essential to the national defense;

(B) Without [1] the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need involved; and

(D) the United States national defense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the guarantee.

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[1] So in original. Probably should be "without".

[*See main edition for text of* (*b*) *to* (*d*)]

(e) Identification of industrial resource shortfall; prevention of personal financial insolvency or bankruptcy

(1)(A) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the Budget of the United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section.

(B) Any such guarantee may be made only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to subparagraph (A).

(C) If the making of any guarantee or guarantees to correct an industrial resource shortfall would cause the aggregate outstanding amount of all guarantees for such industrial resource shortfall to exceed $25,000,000, any such guarantee or guarantees may be made only if specifically authorized by law.

[*See main edition for text of* (*2*)]

(As amended Apr. 17, 1984, Pub. L. 98-265, §§ 3(a), 4(a), 98 Stat. 149, 150.)

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-265, § 3(a), added par. (3).

Subsec. (e)(1). Pub. L. 98-265, § 4(a), substituted provision that a guarantee be made under this section only if the industrial resource shortfall which such guarantee is intended to correct is identified for provision that the maximum obligation under this section not exceed $38,000,000, but if guarantees exceed such amount, Congressional committees be notified and no disapproving resolution be adopted within a 60-day period of continuous session of Congress, with provision for determination of continuity of Congressional session for the purpose of computing such 60-day period.

CROSS REFERENCES

Limitation on aggregate amount of loans, guarantees, etc., under this section, see section 2161 of this Appendix.

§ 2092. Loans to private business enterprises

(a) Purposes

To expedite production and deliveries or services to aid in carrying out Government contracts for the procurement of materials or the performance of services for the national defense, the President may make provision for loans (including participations in, or guarantees of, loan) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, or the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, and manufacture of newsprint.

(b) Terms and conditions; Presidential determinations

Such loans may be made without regard to the limitations of existing law and on such terms and conditions as the President deems necessary, except that—

(1) financial assistance may be extended only to the extent that it is not otherwise available on reasonable terms; and

(2) except during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need; and

(D) the United States national defense demand is equal to, or greater than, domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the loan.

(c) Identification of industrial resource shortfall

(1) No such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the Budget of the United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (b)(2) of this section.

(2) Any such loan may be made only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to paragraph (1).

(3) If the making of any loan or loans to correct an industrial resource shortfall would cause the aggregate outstanding amount of all loans for such industrial resource shortfall to exceed $25,000,000, any such loan or loans may be made only if specifically authorized by law.

(As amended Apr. 17, 1984, Pub. L. 98-265, §§ 3(b), 4(b), 98 Stat. 149, 151.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-265, § 3(b), designated existing provision as subsec. (a) and, in subsec. (a) as so designated, struck out provision that loans be made without regard to limitations of existing law on such terms and conditions as the President deems necessary, except that financial assistance be extended only to the extent not available on reasonable terms, and that with respect to loans in excess of $48,000,000, Congressional committees be notified and no disapproving resolution be adopted within a 60-day period of continuous session of Congress, with provision for determining continuity of Congressional session for the purpose of computing such 60-day period. See subsec. (b).

Subsec. (b). Pub. L. 98-265, § 3(b)(2), added subsec. (b).

Subsec. (c). Pub. L. 98-265, § 4(b), added subsec. (c).

Cross References

Limitation on aggregate amount of loans, guarantees, etc., under this section, see section 2161 of this Appendix.

§ 2093. Purchase of raw materials and installation of equipment

(a) Purchases for use or resale; development of strategic minerals, metals, and materials; agricultural commodities; termination date; Presidential determinations; identification of industrial resource shortfall

To assist in carrying out the objectives of this Act [sections 2061 to 2169 of this Appendix], the President may make provision (1) for purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale; and (2) for the encouragement of exploration, development, and mining of critical and strategic minerals, metals, and materials: *Provided, however,* That purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial uses or stockpiling, and no commodity purchased under this subsection shall be sold at less than the established ceiling price for such commodity (except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower), or, if no ceiling price has been established, the higher of the following: (i) the current domestic market price for such commodity, or (ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of Public Law 439, Eighty-first Congress [7 U.S.C. 1427]: *Provided further, however,* That no purchase or commitment to purchase any imported agricultural commodity shall be made calling for delivery more than one year after the expiration of this Act [June 30, 1952]. Except during periods of national emergency declared by the Congress or the President, the President may not execute a contract under this subsection unless the President determines that—

(1) the mineral, metal, or material is essential to the national defense;

(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

(4) the United States national defense demand for the mineral, metal, or material is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

Except during periods of national emergency declared by the Congress or the President, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under authority of this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $25,000,000, any such action or actions may be taken only if specifically authorized by law.

[*See main edition for text of* (b) *to* (g)]

(As amended Apr. 17, 1984, Pub. L. 98-265, §§ 3(c), 4(c), 98 Stat. 150, 151.)

Amendments

1984—Subsec. (a). Pub. L. 98-265, § 3(c), inserted provision requiring the President, except during periods of national emergency, to make specific determinations before executing a contract under this subsection.

Pub. L. 98-265, § 4(c), inserted provision requiring the President, except during periods of national emergency, to identify the industrial resource shortfall before taking any action under this section.

Cross References

Authorization of appropriations to carry out this section, see section 2161 of this Appendix.

Limitation on aggregate amount of loans, guarantees, etc., under this section, see section 2161 of this Appendix.

§ 2099. Annual report on impact of offsets

Not later than 18 months after April 17, 1984, and annually thereafter, the President shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States. Each such report also shall include a discussion of bilateral and multilateral negotiations on offsets in international procurement and provide information on the types, terms, and magnitude of the offsets.

(Sept. 8, 1950, ch. 932, title III, § 309, as added Apr. 17, 1984, Pub. L. 98-265, § 6, 98 Stat. 152.)

Termination Date

Termination of this section on Sept. 30, 1986, see section 2166(a) of this Appendix.

TITLE VII—GENERAL PROVISIONS

§ 2153. Delegation of authority: creation of new agencies; appointment and compensation of officers and personnel; State representation in regional offices

Ex. Ord. No. 10480. Administration of Defense Mobilization Program

Ex. Ord. No. 10480, Aug. 14, 1953, 18 F.R. 4939, as amended by Ex. Ord. No. 10489, Sept. 26, 1953, 18 F.R. 6201; Ex. Ord. No. 10537, June 22, 1954, 19 F.R. 3807; Ex. Ord. No. 10574, Nov. 8, 1954, 19 F.R. 7249; Ex. Ord. No. 10662, Mar. 14, 1956, 21 F.R. 1673; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 10819, May 11, 1959, 24 F.R. 3779; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 11062, Nov. 19, 1962, 27 F.R. 11447; Ex. Ord. No. 11956, Jan. 13, 1977, 42 F.R. 2947; Ex. Ord. No. 12038, Feb. 3, 1978, 43 F.R. 4957; Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239; Ex. Ord. No. 12381, § 4, Sept. 8, 1982, 47 F.R. 39795; Ex. Ord. No. 12521, June 24, 1985, 50 F.R. 26335, provided:

[*See main edition for text of Parts I to V*]

PART VI. GENERAL PROVISIONS

[*See main edition for text of Sec. 601*]

Sec. 602. [*See main edition for text of* (*a*) *to* (*c*)]

(d)(1) The functions conferred upon the President by Section 309 of the Defense Production Act, as amended [section 2099 of this Appendix], with respect to the preparation and submission of reports to the Congress concerning offsets shall be performed by the Director of the Office of Management and Budget (OMB). The Director may further delegate to the heads of Executive departments and agencies responsibility for preparing and submitting for his review particular sections of such reports. The heads of Executive departments and agencies shall, to the extent provided by law, provide the Director with such information as may be necessary for the effective performance of these functions.

(2) In order to ensure that information gathered pursuant to this authority shall be subject to appropriate confidentiality protections, the United States International Trade Commission, which previously has been designated a "central collection agency" in gathering this information under 44 U.S.C. 3509, is authorized, pursuant to Section 705 of the Defense Production Act, as amended [section 2155 of this Appendix], to collect the information required for compilation of the data base to be used in the preparation of the first such report to the Congress.

[*See main edition for text of Secs. 603 to 610*]

§ 2161. Authorization of appropriations; availability of funds

(a)(1) Except as provided in paragraph (2) and paragraph (4), there are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act [sections 2061 to 2169 of this Appendix] (including sections 302 and 303 [sections 2092 and 2093 of this Appendix] and for payment of interest under subsection (b) of this section, but excluding sections 305 and 306 [sections 2095 and 2096 of this Appendix]) by the President and such agencies as he may designate or create. Funds made available pursuant to this paragraph for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency designated to assist in carrying out this Act [said sections]. Funds so allocated or transferred shall remain available for such period as may be specified in the Acts making such funds available.

[*See main edition for text of* (*2*) *and* (*3*)]

(4)(A) There are authorized to be appropriated to carry out the provisions of section 303 [section 2093 of this Appendix] not to exceed $100,000,000 for fiscal years 1985 and 1986, except that not more than $25,000,000 is authorized to be appropriated for fiscal year 1985.

(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 [sections 2091, 2092, and 2093 of this Appendix] during fiscal years 1985 and 1986 may not exceed $100,000,000.

[*See main edition for text of* (*b*)]

(As amended Apr. 17, 1984, Pub. L. 98-265, § 5, 98 Stat. 151.)

Amendments

1984—Subsec. (a)(1), (4). Pub. L. 98-265 inserted "and paragraph (4)" after "paragraph (2)" in par. (1) and added par. (4).

§ 2166. Termination of Act

(a) Title I [sections 2071 to 2076 of this Appendix] (except section 104 [section 2074 of this Appendix]) title III [sections 2091 to 2099 of this Appendix], and title VII [sections 2151 to 2169 of this Appendix] (except sections 708, 714, and 719 [sections 2158, 2163a, and 2168 of this Appendix]) of this Act, and all authority conferred thereunder, shall terminate at the close of September 30, 1986: *Provided*, That all authority hereby or hereafter extended under title III of this Act [sections 2091 to 2099 of this Appendix] shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. Section 714 of this Act [section 2163a of this Appendix], and all authority conferred thereunder, shall terminate at the close of July 31, 1953. Section 104 [section 2074 of this Appendix], and title II [section 2081 of this Appendix], and title VI [sections 2131 to 2137 of this Appendix] of this Act, and all authority conferred thereunder, shall terminate at the close of June 30, 1953. Title IV [sections 2101 to 2112 of this Appendix] and V [sections 2121 to 2123 of this Appendix] of this Act, and all authority conferred thereunder, shall terminate at the close of April 30, 1953.

[*See main edition for text of* (*b*) *to* (*d*)]

(As amended Mar. 29, 1983, Pub. L. 98-12, 97 Stat. 53; Nov. 30, 1983, Pub. L. 98-181, title VII, § 703, 97 Stat. 1267; Apr. 17, 1984, Pub. L. 98-265, § 2, 98 Stat. 149.)

Amendments

1984—Subsec. (a). Pub. L. 98-265 extended termination date from Mar. 30, 1984, to Sept. 30, 1986.

1983—Subsec. (a). Pub. L. 98-181 extended termination date from Sept. 30, 1983, to Mar. 30, 1984.

Pub. L. 98-12 extended termination date from Mar. 31, 1983, to Sept. 30, 1983.

§ 2168. Cost Accounting Standards Board

[See main edition for text of (a) to (g)]

(h) Implementation of cost accounting standards; cost accounting disclosure by defense contractors as a condition of contract; mandatory price adjustment clause in contract, with interest, for any increased costs due to contractor's failure to follow cost accounting standards; maximum rate and duration of interest; contract dispute; exemptions; effective date of proposed standards and regulations

(1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall be set at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41. Such interest shall accrue from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

[See main edition for text of (2) and (3); (i) to (l)]

(As amended Nov. 8, 1985, Pub. L. 99-145, title IX, § 934(b), 99 Stat. 700.)

References in Text

Provisions of Public Law 92-41, referred to in subsec. (h)(1), which authorized the Secretary of the Treasury to fix interest rates for the Renegotiation Board, were contained in section 2(a)(3) of Pub. L. 92-41, which was classified to section 1215(b)(2) of this Appendix, and was omitted from the Code. See note preceding section 1211 of this Appendix.

Amendments

1985—Subsec. (h)(1). Pub. L. 99-145 substituted "Such interest shall be set at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41. Such interest shall accrue from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected" for "Such interest shall not exceed 7 per centum per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected".

Effective Date of 1985 Amendment

Section 934(c) of Pub. L. 99-145 provided that: "This section [amending this section and enacting provisions set out as a note under section 2304 of Title 10, Armed Forces] shall apply only to contracts entered into on or after the date of the enactment of this Act [Nov. 8, 1985]".

Section Referred to in Other Sections

This section is referred to in section 2166 of this Appendix; title 10 section 2343.

CIVIL DEFENSE

ACT JAN. 12, 1951, CH. 1228, 64 STAT. 1245

TITLE I—GENERAL PROVISIONS

§ 2251. Congressional declaration of policy

Ex. Ord. No. 12472. Assignment of National Security and Emergency Preparedness Telecommunications Functions

Ex. Ord. No. 12472, Apr. 3, 1984, 49 F.R. 13471, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Communications Act of 1934, as amended (47 U.S.C. 151), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251), the Disaster Relief Act of 1974 (42 U.S.C. 5121), Section 5 of Reorganization Plan No. 1 of 1977 (3 C.F.R. 197, 1978 Comp.) [5 U.S.C. App.], and Section 203 of Reorganization Plan No. 3 of 1978 (3 C.F.R. 389, 1978 Comp.) [5 U.S.C. App.], and in order to provide for the consolidation of assignment and responsibility for improved execution of national security and emergency preparedness telecommunications functions, it is hereby ordered as follows:

Section 1. *The National Communications System.* (a) There is hereby established the National Communications System (NCS). The NCS shall consist of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals and the Manager. The NCS Committee of Principals shall consist of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to national security or emergency preparedness, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to national security or emergency preparedness telecommunications capabilities.

(b) The mission of the NCS shall be to assist the President, the National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget in:

(1) the exercise of the telecommunications functions and responsibilities set forth in Section 2 of this Order; and

(2) the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack, recovery and reconstitution.

(c) The NCS shall seek to ensure that a national telecommunications infrastructure is developed which:

(1) Is responsive to the national security and emergency preparedness needs of the President and the Federal departments, agencies and other entities, including telecommunications in support of national security leadership and continuity of government;

(2) Is capable of satisfying priority telecommunications requirements under all circumstances through use of commercial, government and privately owned telecommunications resources;

(3) Incorporates the necessary combination of hardness, redundancy, mobility, connectivity, interoperability, restorability and security to obtain, to the maximum extent practicable, the survivability of national security and emergency preparedness telecommunications in all circumstances, including conditions of crisis or emergency; and

(4) Is consistent, to the maximum extent practicable, with other national telecommunications policies.

(d) To assist in accomplishing its mission, the NCS shall:

(1) serve as a focal point for joint industry-government national security and emergency preparedness telecommunications planning; and

(2) establish a joint industry-government National Coordinating Center which is capable of assisting in the initiation, coordination, restoration and reconstitution of national security or emergency preparedness telecommunications services or facilities under all conditions of crisis or emergency.

(e) The Secretary of Defense is designated as the Executive Agent for the NCS. The Executive Agent shall:

(1) Designate the Manager of the NCS;

(2) Ensure that the NCS conducts unified planning and operations, in order to coordinate the development and maintenance of an effective and responsive capability for meeting the domestic and international national security and emergency preparedness telecommunications needs of the Federal government;

(3) Ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of the Federal Emergency Management Agency;

(4) Recommend, in consultation with the NCS Committee of Principals, to the National Security Council, the Director of the Office of Science and Technology Policy, or the Director of the Office of Management and Budget, as appropriate:

a. The assignment of implementation or other responsibilities to NCS member entities;

b. New initiatives to assist in the exercise of the functions specified in Section 2; and

c. Changes in the composition or structure of the NCS;

(5) Oversee the activities of and provide personnel and administrative support to the Manager of the NCS;

(6) Provide staff support and technical assistance to the National Security Telecommunications Advisory Committee established by Executive Order No. 12382, as amended [Sept. 13, 1982, 47 F.R. 40531]; and

(7) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(f) The NCS Committee of Principals shall:

(1) Serve as the forum in which each member of the Committee may review, evaluate, and present views, information and recommendations concerning ongoing or prospective national security or emergency preparedness telecommunications programs or activities of the NCS and the entities represented on the Committee;

(2) Serve as the forum in which each member of the Committee shall report on and explain ongoing or prospective telecommunications plans and programs developed or designed to achieve national security or emergency preparedness telecommunications objectives;

(3) Provide comments or recommendations, as appropriate, to the National Security Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Executive Agent, or the Manager of the NCS, regarding ongoing or prospective activities of the NCS; and

(4) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(g) The Manager of the NCS shall:

(1) Develop for consideration by the NCS Committee of Principals and the Executive Agent:

a. A recommended evolutionary telecommunications architecture designed to meet current and future Federal government national security and emergency preparedness telecommunications requirements;

b. Plans and procedures for the management, allocation and use, including the establishment of priorities or preferences, of Federally owned or leased telecommunications assets under all conditions of crisis or emergency;

c. Plans, procedures and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially-provided telecommunications systems;

d. Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security or emergency preparedness telecommunications requirements; and

e. Alternative mechanisms for funding, through the budget review process, national security or emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Director of the Office of Management and Budget.

(2) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of communications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation;

(3) Chair the NCS Committee of Principals and provide staff support and technical assistance thereto;

(4) Serve as a focal point for joint industry-government planning, including the dissemination of technical information, concerning the national security or emergency preparedness telecommunications requirements of the Federal government;

(5) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of Principals and the Executive Agent, improved approaches which may assist Federal entities in fulfilling national security or emergency preparedness telecommunications objectives;

(6) Pursuant to the Federal Standardization Program of the General Services Administration, and in consultation with other appropriate entities of the Federal government including the NCS Committee of Principals, manage the Federal Telecommunications Standards Program, ensuring wherever feasible that existing or evolving industry, national, and international standards are used as the basis for Federal telecommunications standards; and

(7) Provide such reports and perform such other duties as are from time to time assigned by the President or his authorized designee, the Executive Agent, or the NCS Committee of Principals. Any such assignments of responsibility to, or reports made by, the Manager shall be transmitted through the Executive Agent.

SEC. 2. *Executive Office Responsibilities.* (a) *Wartime Emergency Functions.* (1) The National Security Council shall provide policy direction for the exercise of the war power functions of the President under Section 606 of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(2) The Director of the Office of Science and Technology Policy shall direct the exercise of the war

power functions of the President under Section 606(a), (c)-(e), of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(b) *Non-Wartime Emergency Functions.* (1) The National Security Council shall:

a. Advise and assist the President in coordinating the development of policy, plans, programs and standards within the Federal government for the identification, allocation, and use of the Nation's telecommunications resources by the Federal government, and by State and local governments, private industry and volunteer organizations upon request, to the extent practicable and otherwise consistent with law, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law; and

b. Provide policy direction for the exercise of the President's non-wartime emergency telecommunications functions, should the President so instruct.

(2) The Director of the Office of Science and Technology Policy shall provide information, advice, guidance and assistance, as appropriate, to the President and to those Federal departments and agencies with responsibilities for the provision, management, or allocation of telecommunications resources, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law;

(3) The Director of the Office of Science and Technology Policy shall establish a Joint Telecommunications Resources Board (JTRB) to assist him in the exercise of the functions specified in this subsection. The Director of the Office of Science and Technology Policy shall serve as chairman of the JTRB; select those Federal departments, agencies, or entities which shall be members of the JTRB; and specify the functions it shall perform.

(c) *Planning and Oversight Responsibilities.* (1) The National Security Council shall advise and assist the President in:

a. Coordinating the development of policy, plans, programs and standards for the mobilization and use of the Nation's commercial, government, and privately owned telecommunications resources, in order to meet national security or emergency preparedness requirements;

b. Providing policy oversight and direction of the activities of the NCS; and

c. Providing policy oversight and guidance for the execution of the responsibilities assigned to the Federal departments and agencies by this Order.

(2) The Director of the Office of Science and Technology Policy shall make recommendations to the President with respect to the test, exercise and evaluation of the capability of existing and planned communications systems, networks or facilities to meet national security or emergency preparedness requirements and report the results of any such tests or evaluations and any recommended remedial actions to the President and to the National Security Council;

(3) The Director of the Office of Science and Technology Policy or his designee shall advise and assist the President in the administration of a system of radio spectrum priorities for those spectrum dependent telecommunications resources of the Federal government which support national security or emergency preparedness functions. The Director also shall certify or approve priorities for radio spectrum use by the Federal government, including the resolution of any conflicts in or among priorities, under all conditions of crisis or emergency; and

(4) The National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall, in consultation with the Executive Agent for the NCS and the NCS Committee of Principals, determine what constitutes national security and emergency preparedness telecommunications requirements.

(d) *Consultation with Federal Departments and Agencies.* In performing the functions assigned under this Order, the National Security Council and the Director of the Office of Science and Technology Policy, in consultation with each other, shall:

(1) Consult, as appropriate, with the Director of the Office of Management and Budget; the Director of the Federal Emergency Management Agency with respect to the emergency management responsibilities assigned pursuant to Executive Order No. 12148, as amended [set out as a note under this section]; the Secretary of Commerce, with respect to responsibilities assigned pursuant to Executive Order No. 12046 [set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs]; the Secretary of Defense, with respect to communications security responsibilities assigned pursuant to Executive Order No. 12333 [set out as a note under section 401 of Title 50, War and National Defense]; and the Chairman of the Federal Communications Commission or his authorized designee; and

(2) Establish arrangements for consultation among all interested Federal departments, agencies or entities to ensure that the national security and emergency preparedness communications needs of all Federal government entities are identified; that mechanisms to address such needs are incorporated into pertinent plans and procedures; and that such needs are met in a manner consistent, to the maximum extent practicable, with other national telecommunications policies.

(e) *Budgetary Guidelines.* The Director of the Office of Management and Budget, in consultation with the National Security Council and the NCS, will prescribe general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating agencies. These guidelines and procedures may provide for mechanisms for funding, through the budget review process, national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities.

SEC. 3. *Assignment of Responsibilities to Other Departments and Agencies.* In order to support and enhance the capability to satisfy the national security and emergency preparedness telecommunications needs of the Federal government, State and local governments, private industry and volunteer organizations, under all circumstances including those of crisis or emergency, the Federal departments and agencies shall perform the following functions:

(a) *Department of Commerce.* The Secretary of Commerce shall, for all conditions of crisis or emergency:

(1) Develop plans and procedures concerning radio spectrum assignments, priorities and allocations for use by Federal departments, agencies and entities; and

(2) Develop, maintain and publish policy, plans, and procedures for the control and allocation of frequency assignments, including the authority to amend, modify or revoke such assignments, in those parts of the electromagnetic spectrum assigned to the Federal government.

(b) *Federal Emergency Management Agency.* The Director of the Federal Emergency Management Agency shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities, as part of its National Emergency Management System, adequate to support its assigned emergency management responsibilities;

(2) Advise and assist State and local governments and volunteer organizations, upon request and to the extent consistent with law, in developing plans and procedures for identifying and satisfying their national security or emergency preparedness telecommunications requirements;

(3) Ensure, to the maximum extent practicable, that national security and emergency preparedness telecommunications planning by State and local governments and volunteer organizations is mutually sup-

portive and consistent with the planning of the Federal government; and

(4) Develop, upon request and to the extent consistent with law and in consonance with regulations promulgated by and agreements with the Federal Communications Commission, plans and capabilities for, and provide policy and management oversight of, the Emergency Broadcast System, and advise and assist private radio licensees of the Commission in developing emergency communications plans, procedures and capabilities.

(c) *Department of State.* The Secretary of State, in accordance with assigned responsibilities within the Diplomatic Telecommunications System, shall plan for and provide, operate and maintain rapid, reliable and secure telecommunications services to those Federal entities represented at United States diplomatic missions and consular offices overseas. This responsibility shall include the provision and operation of domestic telecommunications in support of assigned national security or emergency preparedness responsibilities.

(d) *Department of Defense.* In addition to the other responsibilities assigned by this Order, the Secretary of Defense shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities adequate to support the National Command Authorities and to execute the responsibilities assigned by Executive Order No. 12333 [set out as a note under section 401 of Title 50]; and

(2) Ensure that the Director of the National Security Agency provides the technical support necessary to develop and maintain plans adequate to provide for the security and protection of national security and emergency preparedness telecommunications.

(e) *Department of Justice.* The Attorney General shall, as necessary, review for legal sufficiency, including consistency with the antitrust laws, all policies, plans or procedures developed pursuant to responsibilities assigned by this Order.

(f) *Central Intelligence Agency.* The Director of Central Intelligence shall plan for and provide, operate, and maintain telecommunications services adequate to support its assigned responsibilities, including the dissemination of intelligence within the Federal government.

(g) *General Services Administration.* Except as otherwise assigned by this Order, the Administrator of General Services, consistent with policy guidance provided by the Director of the Office of Management and Budget, shall ensure that Federally owned or managed domestic communications facilities and services meet the national security and emergency preparedness requirements of the Federal civilian departments, agencies and entities.

(h) *Federal Communications Commission.* The Federal Communications Commission shall, consistent with Section 4(c) of this Order:

(1) Review the policies, plans and procedures of all entities licensed or regulated by the Commission that are developed to provide national security or emergency preparedness communications services, in order to ensure that such policies, plans and procedures are consistent with the public interest, convenience and necessity;

(2) Perform such functions as required by law with respect to all entities licensed or regulated by the Commission, including (but not limited to) the extension, discontinuance or reduction of common carrier facilities or services; the control of common carrier rates, charges, practices and classifications; the construction, authorization, activation, deactivation or closing of radio stations, services and facilities; the assignment of radio frequencies to Commission licensees; the investigation of violations of pertinent law and regulation; and the initiation of appropriate enforcement actions;

(3) Develop policy, plans and procedures adequate to execute the responsibilities assigned in this Order under all conditions or crisis or emergency; and

(4) Consult as appropriate with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of their respective national security and emergency preparedness activities.

(i) All Federal departments and agencies, to the extent consistent with law (including those authorities and responsibilities set forth in Section 4(c) of this Order), shall:

(1) Determine their national security and emergency preparedness telecommunications requirements, and provide information regarding such requirements to the Manager of the NCS;

(2) Prepare policies, plans and procedures concerning telecommunications facilities, services or equipment under their management or operational control to maximize their capability of responding to the national security or emergency preparedness needs of the Federal government;

(3) Provide, after consultation with the Director of the Office of Management and Budget, resources to support their respective requirements for national security and emergency preparedness telecommunications; and provide personnel and staff support to the Manager of the NCS as required by the President;

(4) Make information available to, and consult with, the Manager of the NCS regarding agency telecommunications activities in support of national security or emergency preparedness;

(5) Consult, consistent with the provisions of Executive Order No. 12046, as amended [set out as a note under section 305 of Title 47], and in conjunction with the Manager of the NCS, with the Federal Communications Commission regarding execution of responsibilities assigned by this Order;

(6) Submit reports annually, or as otherwise requested, to the Manager of the NCS, regarding agency national security or emergency preparedness telecommunications activities; and

(7) Cooperate with and assist the Executive Agent for the NCS, the NCS Committee of Principals, the Manager of the NCS, and other departments and agencies in the execution of the functions set forth in this Order, furnishing them such information, support and assistance as may be required.

(j) Each Federal department or agency shall execute the responsibilities assigned by this Order in conjunction with the emergency management activities of the Federal Emergency Management Agency, and in regular consultation with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of NCS and individual agency telecommunications activities.

SEC. 4. *General Provisions.* (a) All Executive departments and agencies may issue such rules and regulations as may be necessary to carry out the functions assigned under this Order.

(b) In order to reflect the assignments of responsibility provided by this Order,

(1) Sections 2-414, 4-102, 4-103, 4-202, 4-302, 5-3, and 6-101 of Executive Order No. 12046, as amended [set out as a note under section 305 of Title 47], are revoked;

(2) The Presidential Memorandum of August 21, 1963, as amended, entitled "Establishment of the National Communications System", is hereby superseded; and

(3) Section 2-411 of Executive Order No. 12046, as amended [set out as a note under section 305 of Title 47], is further amended by deleting the period and inserting ", except as otherwise provided by Executive Order No." and inserting the number assigned to this Order.

(c) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Director of the Office of Management and Budget, or any Office or official thereof; or reassign any function assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended; or under any other law; or any function vested by law in the Federal Communications Commission.

SEC. 5. This Order shall be effective upon publication in the Federal Register.

RONALD REAGAN.

§ 2260. Appropriations and transfers of funds

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 2251 to 2303 of this Appendix] in the fiscal year ending September 30, 1977. No funds may be appropriated for any fiscal year beginning after September 30, 1977, for carrying out the purpose of this Act [said sections], unless such funds have been authorized for such purpose by legislation enacted after the date of enactment of the Department of Defense Appropriations Authorization Act, 1977 [July 14, 1976]. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency or Government corporation designated to assist in carrying out this Act [said sections]: *Provided*, That each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer.

(As amended Oct. 19, 1984, Pub. L. 98-525, title VIII, § 802, 98 Stat. 2572.)

AMENDMENTS

1984—Pub. L. 98-525 deleted limitations on per annum appropriations for: payment of travel and per diem expenses for students ($300,000); expenditures related to donation of radiological instruments, etc. ($35,000,000); contributions to the States for personal equipment for State and local workers ($2,000,000); and contributions to the States for certain personnel and administrative expenses ($47,000,000).

TITLE III—POWERS AND DUTIES

§ 2281. Functions of Administration

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2253, 2264, 2286 of this Appendix; title 40 section 484; title 42 section 5132.

EXPORT REGULATION

PUB. L. 96-72, SEPT. 29, 1979, 93 STAT. 503

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in title 7 sections 1736j, 1736y, 4001; title 10 sections 140c, 7430; title 19 section 2075; title 22 sections 2304, 2778, 2778a; title 30 section 185; title 42 section 6212.

§ 2401. Congressional findings

The Congress makes the following findings:

[*See main edition for text of* (*1*)]

(2) Exports contribute significantly to the economic well-being of the United States and the stability of the world economy by increasing employment and production in the United States, and by earning foreign exchange, thereby contributing favorably to the trade balance. The restriction of exports from the United States can have serious adverse effects on the balance of payments and on domestic employment, particularly when restrictions applied by the United States are more extensive than those imposed by other countries.

(3) It is important for the national interest of the United States that both the private sector and the Federal Government place a high priority on exports, consistent with the economic, security, and foreign policy objectives of the United States.

[*See main edition for text of* (*4*) *and* (*5*)]

(6) Uncertainty of export control policy can inhibit the efforts of United States business and work to the detriment of the overall attempt to improve the trade balance of the United States.

[*See main edition for text of* (*7*) *and* (*8*)]

(9) Minimization of restrictions on exports of agricultural commodities and products is of critical importance to the maintenance of a sound agricultural sector, to a positive contribution to the balance of payments, to reducing the level of Federal expenditures for agricultural support programs, and to United States cooperation in efforts to eliminate malnutrition and world hunger.

(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment which are banned or severely restricted for use in the United States, and which, if exported, could affect the international reputation of the United States as a responsible trading partner.

(11) The acquisition of national security sensitive goods and technology by the Soviet Union and other countries the actions or policies of which run counter to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities. This enhancement poses a threat to the security of the United States, its allies, and other friendly nations, and places additional demands on the defense budget of the United States.

(12) Availability to controlled countries of goods and technology from foreign sources is a fundamental concern of the United States and should be eliminated through negotiations and other appropriate means whenever possible.

(13) Excessive dependence of the United States, its allies, or countries sharing common strategic objectives with the United States, on energy and other critical resources from potential adversaries can be harmful to the mutual and individual security of all those countries.

(As amended Pub. L. 99-64, title I, § 102, July 12, 1985, 99 Stat. 120.)

AMENDMENTS

1985—Par. (2). Pub. L. 99-64, § 102(1), substituted "by earning foreign exchange, thereby contributing favorably to the trade balance" for "by strengthening the trade balance and the value of the United States dollar, thereby reducing inflation".

Par. (3). Pub. L. 99-64, § 102(2), substituted "consistent with the economic, security, and foreign policy objectives of the United States" for "which would strengthen the Nation's economy".

Par. (6). Pub. L. 99-64, § 102(3), amended par. (6) generally, substituting "inhibit the efforts of United States business and work" for "curtail the efforts of American business".

Par. (9). Pub. L. 99-64, § 102(4), substituted "a positive contribution to the balance of payments" for "achievement of a positive balance of payments".

Pars. (10) to (13). Pub. L. 99-64, § 102(5), added pars. (10) to (13).

SHORT TITLE OF 1985 AMENDMENT

Section 1 of Pub. L. 99-64 provided that: "Titles I and II of this Act [enacting sections 4051 to 4053 of Title 15, Commerce and Trade, section 1864 of Title 19, Customs Duties, and section 466c of Title 46, Appendix, Shipping, amending sections 2401 to 2403, 2404 to 2406, 2409 to 2411, 2412 to 2417, and 2419 of this Appendix, sections 5314 and 5315 of Title 5, Government Organization and Employees, sections 2304 and 2778 of Title 22, Foreign Relations and Intercourse, and section 185 of Title 30, Mineral Lands and Mining, and enacting provisions set out as notes under sections 2404, 2405, and 2414 of this Appendix and section 5314 of Title 5] may be cited as the 'Export Administration Amendments Act of 1985'."

EXTENSION OF TERM OF PRESIDENT'S EXPORT COUNCIL

Term of the President's Export Council extended until Sept. 30, 1987, see Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Term of the President's Export Council extended until Sept. 30, 1985, see Ex. Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

§ 2402. Congressional declaration of policy

The Congress makes the following declarations:

[See main edition for text of (1) and (2)]

(3) It is the policy of the United States (A) to apply any necessary controls to the maximum extent possible in cooperation with all nations, and (B) to encourage observance of a uniform export control policy by all nations with which the United States has defense treaty commitments or common strategic objectives.

[See main edition for text of (4) to (6)]

(7) It is the policy of the United States to use export controls, including license fees, to secure the removal by foreign countries of restrictions on access to supplies where such restrictions have or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have been imposed for purposes of influencing the foreign policy of the United States. In effecting this policy, the President shall make reasonable and prompt efforts to secure the removal or reduction of such restrictions, policies, or actions through international cooperation and agreement before imposing export controls. No action taken in fulfillment of the policy set forth in this paragraph shall apply to the export of medicine or medical supplies.

(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make reasonable and prompt efforts to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before imposing export controls.

(9) It is the policy of the United States to cooperate with other countries with which the United States has defense treaty commitments or common strategic objectives in restricting the export of goods and technology which would make a significant contribution to the military potential of any country or combination of countries which would prove detrimental to the security of the United States and of those countries with which the United States has defense treaty commitments or common strategic objectives, and to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States.

[See main edition for text of (10) and (11)]

(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so involves sustaining the ability of scientists and other scholars freely to communicate research findings, in accordance with applicable provisions of law, by means of publication, teaching, conferences, and other forms of scholarly exchange.

(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as to the credibility of the United States as a responsible trading partner.

(14) It is the policy of the United States to cooperate with countries which are allies of the United States and countries which share common strategic objectives with the United States in minimizing dependence on imports of energy and other critical resources from potential adversaries and in developing alternative supplies of such resources in order to minimize strategic threats posed by excessive hard currency earnings derived from such resource exports by countries with policies adverse to the security interests of the United States.

(15) It is the policy of the United States, particularly in light of the Soviet massacre of innocent men, women, and children aboard Korean Air Lines flight 7, to continue to object to exceptions to the International Control List for the Union of Soviet Socialist Re-

publics, subject to periodic review by the President.

(As amended Pub. L. 99-64, title I, § 103, July 12, 1985, 99 Stat. 121.)

AMENDMENTS

1985—Par. (3). Pub. L. 99-64, § 103(1), inserted "or common strategic objectives" after "defense treaty commitments".

Par. (7). Pub. L. 99-64, § 103(2), substituted "the President shall make reasonable and prompt efforts" for "the President shall make every reasonable effort", and "imposing export controls" for "resorting to the imposition of controls on exports from the United States".

Par. (8). Pub. L. 99-64, § 103(3), substituted "the President shall make reasonable and prompt efforts" for "the President shall make every reasonable effort", and "imposing export controls" for "resorting to the imposition of export controls".

Par. (9). Pub. L. 99-64, § 103(4), inserted "or common strategic objectives" after "commitments" in two places, and added ", and to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States".

Pars. (12) to (15). Pub. L. 99-64, § 103(5), added pars. (12) to (15).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403, 2404, 2405, 2406, 2407, 2409, 2413 of this Appendix; title 26 sections 927, 993; title 42 section 6212.

§ 2403. General provisions

(a) Types of licenses

Under such conditions as may be imposed by the Secretary which are consistent with the provisions of this Act [sections 2401 to 2420 of this Appendix], the Secretary may require any of the following types of export licenses:

[See main edition for text of (1)]

(2) Validated licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of an individual validated license for each such export, including, but not limited to, the following:

(A) A distribution license, authorizing exports of goods to approved distributors or users of the goods in countries other than controlled countries. The Secretary shall grant the distribution license primarily on the basis of the reliability of the applicant and foreign consignees with respect to the prevention of diversion of goods to controlled countries. The Secretary shall have the responsibility of determining, with the assistance of all appropriate agencies, the reliability of applicants and their immediate consignees. The Secretary's determination shall be based on appropriate investigations of each applicant and periodic reviews of licensees and their compliance with the terms of licenses issued under this Act [sections 2401 to 2420 of this Appendix]. Factors such as the applicant's products or volume of business, or the consignees' geographic location, sales distribution area, or degree of foreign ownership, which may be relevant with respect to individual cases, shall not be determinative in creating categories or general criteria for the denial of applications or withdrawal of a distribution license.

(B) A comprehensive operations license, authorizing exports and reexports of technology and related goods, including items from the list of militarily critical technologies developed pursuant to section 5(d) of this Act [section 2404(d) of this Appendix] which are included on the control list in accordance with that section, from a domestic concern to and among its foreign subsidiaries, affiliates, joint venturers, and licensees that have long-term, contractually defined relations with the exporter, are located in countries other than controlled countries, and are approved by the Secretary. The Secretary shall grant the license to manufacturing, laboratory, or related operations on the basis of approval of the exporter's systems of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions. The Secretary and the Commissioner of Customs, consistent with their authorities under section 12(a) of this Act [section 2411(a) of this Appendix] and with the assistance of all appropriate agencies, shall periodically, but not less frequently than annually, perform audits of licensing procedures under this subparagraph in order to assure the integrity and effectiveness of those procedures.

(C) A project license, authorizing exports of goods or technology for a specified activity.

(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.

[See main edition for text of (3) and (4)]

(b) Control list

The Secretary shall establish and maintain a list (hereinafter in this Act [sections 2401 to 2420 of this Appendix] referred to as the "control list") stating license requirements (other than for general licenses) for exports of goods and technology under this Act [sections 2401 to 2420 of this Appendix].

(c) Foreign availability

In accordance with the provisions of this Act [sections 2401 to 2420 of this Appendix], the President shall not impose export controls for foreign policy or national security purposes on the export from the United States of goods or technology which he determines are available without restriction from sources outside the United States in sufficient quantities and comparable in quality to those produced in the United States so as to render the controls ineffective in achieving their purposes, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the foreign policy or national security of the United States. In complying with the provisions of this subsection, the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability. The Secretary and the Secretary of Defense shall cooperate in gathering information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.

[*See main edition for text of* (d) *and* (e)]

(f) Notification of public; consultation with business

The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act [sections 2401 to 2420 of this Appendix] with a view to encouraging trade. The Secretary shall meet regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export control policy and the foreign availability of goods and technology.

(As amended Pub. L. 99-64, title I, § 104, July 12, 1985, 99 Stat. 122.)

AMENDMENTS

1985—Subsec. (a)(2). Pub. L. 99-64, § 104(a), amended par. (2) generally, substituting provisions relating to validated licenses authorizing multiple exports including, but not limited to, distribution licenses, comprehensive operations licenses, project licenses, and service supply licenses, for former provisions which read: "A qualified general license, authorizing multiple exports, issued pursuant to an application by the exporter."

Subsec. (b). Pub. L. 99-64, § 104(b), substituted "Control list" for "Commodity control list" in heading and, in text, substituted "control list" for "commodity control list" and "stating license requirements (other than for general licenses) for exports of goods and technology under this Act" for "consisting of any goods or technology subject to export controls under this Act".

Subsec. (c). Pub. L. 99-64, § 104(c), substituted "sufficient" for "significant", inserted "so as to render the controls ineffective in achieving their purposes", and added provisions directing that, in complying with the provisions of this subsection, the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability, and that the Secretary and the Secretary of Defense shall cooperate in gathering information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.

Subsec. (f). Pub. L. 99-64, § 104(d), amended subsec. (f) generally, substituting "representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export control policy and the foreign availability of goods and technology" for "representatives of the business sector in order to obtain their views on export control policy and the foreign availability of goods and technology".

CONTINUATION OF EXPORT CONTROL REGULATIONS

Ex. Ord. No. 12470, Mar. 30, 1984, 49 F.R. 13099, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders and rules promulgated thereunder, was revoked by Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, set out as a note under section 1701 of Title 50, War and National Defense.

Ex. Ord. No. 12444, Oct. 14, 1983, 48 F.R. 48215, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401-2420, and of orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, set out under section 1701 of Title 50.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2404, 2406, 2409, 2413, 2414 of this Appendix.

§ 2404. National security controls

(a) Authority

(1) In order to carry out the policy set forth in section 3(2)(A) of this Act [section 2402(2)(A) of this Appendix], the President may, in accordance with the provisions of this section, prohibit or curtail the export of any goods or technology subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of controlled countries. The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of Defense, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses described in section 4(a) of this Act [section 2403(a) of this Appendix].

(2) Whenever the Secretary makes any revision with respect to any goods or technology, or with respect to the countries or destinations, affected by export controls imposed under this section, the Secretary shall publish in the Federal Register a notice of such revision and shall specify in such notice that the revision relates to controls imposed under the authority contained in this section.

(3) In issuing regulations to carry out this section, particular attention shall be given to the difficulty of devising effective safeguards to prevent a country that poses a threat to the security of the United States from diverting critical technologies to military use, the difficulty of devising effective safeguards to protect critical goods, and the need to take effective measures to prevent the reexport of critical technologies from other countries to countries that pose a threat to the security of the United States.

(b) Policy toward individual countries

(1) In administering export controls for national security purposes under this section, the President shall establish as a list of controlled countries those countries set forth in section 620(f) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(f)], except that the President may add any country to or remove any country from such list of controlled countries if he determines that the export of goods or technology to such country would or would not (as the case may be) make a significant contribution to the military potential of such country or a combination of countries which would prove detrimental to the national security of the United States. In determining whether a country is added to or removed from the list of controlled countries, the President shall take into account—

(A) the extent to which the country's policies are adverse to the national security interests of the United States;

(B) the country's Communist or non-Communist status;

(C) the present and potential relationship of the country with the United States;

(D) the present and potential relationships of the country with countries friendly or hostile to the United States;

(E) the country's nuclear weapons capability and the country's compliance record with respect to multilateral nuclear weapons agreements to which the United States is a party; and

(F) such other factors as the President considers appropriate.

Nothing in the preceding sentence shall be interpreted to limit the authority of the President provided in this Act [sections 2401 to 2420 of this Appendix] to prohibit or curtail the export of any goods or technology to any country to which exports are controlled for national security purposes other than countries on the list of controlled countries specified in this paragraph. The President shall review not less frequently than every three years in the case of controls maintained cooperatively with other nations, and annually in the case of all other controls, United States policy toward individual countries to determine whether such policy is appropriate in light of the factors set forth in this paragraph.

(2) No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee, if the goods or technology is at such a level of performance characteristics that the export of the goods or technology to controlled countries requires only notification of the participating governments of the Coordinating Committee.

(c) Control list

(1) The Secretary shall establish and maintain, as part of the control list, a list of all goods and technology subject to export controls under this section. Such goods and technology shall be clearly identified as being subject to controls under this section.

[*See main edition for text of* (*2*)]

(3) The Secretary shall review the list established pursuant to this subsection at least once each year in order to carry out the policy set forth in section 3(2)(A) of this Act [section 2402(2)(A) of this Appendix] and the provisions of this section, and shall promptly make such revisions of the list as may be necessary after each such review. Before beginning each annual review, the Secretary shall publish notice of that annual review in the Federal Register. The Secretary shall provide an opportunity during such review for comment and the submission of data, with or without oral presentation, by interested Government agencies and other affected or potentially affected parties. The Secretary shall publish in the Federal Register any revisions in the list, with an explanation of the reasons for the revisions. The Secretary shall further assess, as part of such review, the availability from sources outside the United States of goods and technology comparable to those subject to export controls imposed under this section.

(d) Militarily critical technologies

[*See main edition for text of* (*1*)]

(2) The Secretary of Defense shall bear primary responsibility for developing a list of militarily critical technologies. In developing such list, primary emphasis shall be given to—

(A) arrays of design and manufacturing know-how,

(B) keystone manufacturing, inspection, and test equipment,

(C) goods accompanied by sophisticated operation, application, or maintenance know-how, and

(D) keystone equipment which would reveal or give insight into the design and manufacture of a United States military system,

which are not possessed by, or available in fact from sources outside the United States to, controlled countries and which, if exported, would permit a significant advance in a military system of any such country.

[*See main edition for text of* (*3*)]

(4) The Secretary and the Secretary of Defense shall integrate items on the list of militarily critical technologies into the control list in accordance with the requirements of subsection (c) of this section. The integration of items on the list of militarily critical technologies into the control list shall proceed with all deliberate speed. Any disagreement between the Secretary and the Secretary of Defense regarding the integration of an item on the list of militarily critical technologies into the control list shall be resolved by the President. Except in the case of a good or technology for which a validated license may be required under subsection (f)(4) or (h)(6) of this section, a good or technology shall be included on the control list only if the Secretary finds that controlled countries do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to a controlled country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than 1 year after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], on actions taken to carry out this paragraph. For the purposes of this paragraph, assessment of whether a good or technology is functionally equivalent shall in-

clude consideration of the factors described in subsection (f)(3) of this section.

(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical, consistent with the provisions of paragraph (2) of this subsection. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the control list, consistent with the provisions of the fourth sentence of paragraph (4) of this subsection, the President shall resolve the disagreement.

(6) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls on the products of that technology and equipment.

(7) The Secretary of Defense shall, not later than 1 year after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], report to the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to controlled countries has had or will have on the military capabilities of those countries.

(e) Export licenses

(1) The Congress finds that the effectiveness and efficiency of the process of making export licensing determinations under this section is severely hampered by the large volume of validated export license applications required to be submitted under this Act [sections 2401 to 2420 of this Appendix]. Accordingly, it is the intent of Congress in this subsection to encourage the use of the multiple validated export licenses described in section 4(a)(2) of this Act [section 2403(a)(2) of this Appendix] in lieu of individual validated licenses.

[*See main edition for text of* (*2*)]

(3) The Secretary, subject to the provisions of subsection (*l*) of this section, shall not require an individual validated export license for replacement parts which are exported to replace on a one-for-one basis parts that were in a good that has been lawfully exported from the United States.

(4) The Secretary shall periodically review the procedures with respect to the multiple validated export licenses, taking appropriate action to increase their utilization by reducing qualification requirements or lowering minimum thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility.

(5) The export of goods subject to export controls under this section shall be eligible, at the discretion of the Secretary, for a distribution license and other licenses authorizing multiple exports of goods, in accordance with section 4(a)(2) of this Act [section 2403(a)(2) of this Appendix]. The export of technology and related goods subject to export controls under this section shall be eligible for a comprehensive operations license in accordance with section 4(a)(2)(B) of this Act [section 2403(a)(2)(B) of this Appendix].

(f) Foreign availability

(1) The Secretary, in consultation with the Secretary of Defense and other appropriate Government agencies and with appropriate technical advisory committees established pursuant to subsection (h) of this section, shall review, on a continuing basis, the availability, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, of any goods or technology the export of which requires a validated license under this section. In any case in which the Secretary determines, in accordance with procedures and criteria which the Secretary shall by regulation establish, that any such goods or technology are available in fact to controlled countries from such sources in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such goods or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, the Secretary may not, after the determination is made, require a validated license for the export of such goods or technology during the period of such foreign availability, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Secretary shall publish that determination together with a concise statement of its basis, and the estimated economic impact of the decision.

(2) The Secretary shall approve any application for a validated license which is required under this section for the export of any goods or technology to a particular country and which meets all other requirements for such an application, if the Secretary determines that such goods or technology will, if the license is denied, be available in fact to such country from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of comparable quality so that denial of the license would be ineffective in achieving the purpose set forth in subsection (a) of this section, subject to the exception set forth in paragraph (1) of this subsection. In any case in which the Secretary makes a determination of foreign availability under this paragraph with respect to any goods or technology, the Secretary shall determine whether a determination of foreign availability under paragraph (1) with respect to such goods or technology is warranted.

(3) The Secretary shall make a foreign availability determination under paragraph (1) or (2) on the Secretary's own initiative or upon receipt of an allegation from an export license applicant that such availability exists. In making any such determination, the Secretary shall accept the representations of applicants made in writing and supported by reasonable evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In making determinations of foreign availability, the Secretary may consider such factors as cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, durability, quality of end products produced by the item proposed for export, and scale of production. For purposes of this paragraph, "evidence" may include such items as foreign manufacturers' catalogues, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitness accounts.

(4) In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States. Whenever the President has reason to believe goods or technology subject to export control for national security purposes by the United States may become available from other countries to controlled countries and that such availability can be prevented or eliminated by means of negotiations with such other countries, the President shall promptly initiate negotiations with the governments of such other countries to prevent such foreign availability.

(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which, in the fiscal year 1985, shall be under the direction of the Assistant Secretary of Commerce for Trade Administration, and, in the fiscal year 1986 and thereafter, shall be under the direction of the Under Secretary of Commerce for Export Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act [sections 2401 to 2420 of this Appendix]. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office, and on improvements in the Government's ability to assess foreign availability, during that 6-month period, including information on the training of personnel, the use of computers, and the use of Foreign Commercial Service officers. Such information shall also include a description of representative determinations made under this Act [sections 2401 to 2406 of this Appendix] during that 6-month period that foreign availability did or did not exist (as the case may be), together with an explanation of such determinations.

(6) Each department or agency of the United States with responsibilities with respect to export controls, including intelligence agencies, shall, consistent with the protection of intelligence sources and methods, furnish information to the Office of Foreign Availability concerning foreign availability of goods and technology subject to export controls under this Act [sections 2401 to 2420 of this Appendix], and such Office, upon request or where appropriate, shall furnish to such departments and agencies the information it gathers and receives concerning foreign availability.

(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act [sections 2401 to 2420 of this Appendix] not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985].

(g) Indexing

In order to ensure that requirements for validated licenses and other licenses authorizing multiple exports are periodically removed as goods or technology subject to such requirements becomes obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of controlled countries. Any such goods or technology which no longer meets the performance levels established by the regulations shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.

(h) Technical advisory committees

(1) Upon written request by representatives of a substantial segment of any industry which produces any goods or technology subject to export controls under this section or being considered for such controls because of their significance to the national security of the United States, the Secretary shall appoint a technical advisory committee for any such goods or technology which the Secretary determines are difficult to evaluate because of questions concerning technical matters, worldwide availability, and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and Government, including the Departments of Commerce, Defense, and State, the intelligence community, and, in the discretion of the Secretary, other Government departments and agencies. No person serving on any such committee who is a representative of industry shall serve on such committee for more than four consecutive years.

(2) Technical advisory committees established under paragraph (1) shall advise and assist the Secretary, the Secretary of Defense, and any other department, agency, or official of the Government of the United States to which the President delegates authority under this Act [sections 2401 to 2420 of this Appendix], with respect to actions designed to carry out the policy set forth in section 3(2)(A) of this Act [section 2402(2)(A) of this Appendix]. Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, (D) exports subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls, and (E) any other questions relating to actions designed to carry out the policy set forth in section 3(2)(A) of this Act [section 2402(2)(A) of this Appendix]. Nothing in this subsection shall prevent the Secretary or the Secretary of Defense from consulting, at any time, with any person representing industry or the general public, regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary, to present evidence to such committees.

[*See main edition for text of* (*3*) *to* (5)]

(6) Whenever a technical advisory committee certifies to the Secretary that goods or technology with respect to which such committee was appointed have become available in fact, to controlled countries, from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of comparable quality so that requiring a validated license for the export of such goods or technology would be ineffective in achieving the purpose set forth in subsection (a) of this section, the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that—

(A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability,

(B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or

(C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist.

To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall actively pursue such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.

(i) Multilateral export controls

The President shall enter into negotiations with the governments participating in the group known as the Coordinating Committee (hereinafter in this subsection referred to as the "Committee") with a view toward accomplishing the following objectives:

[*See main edition for text of* (*1*) *and* (2)]

(3) Agreement on more effective procedures for enforcing the export controls agreed to by members of the Committee.

(4) Agreement to enhance full compliance by all parties with the export controls imposed by agreement of the Committee through the establishment of appropriate mechanisms.

(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of any such government to any other place.

(7) Agreement to establish uniform, adequate criminal and civil penalties to deter more effectively diversions of items controlled for export by agreement of the Committee.

(8) Agreement to increase on-site inspections by national enforcement authorities of the participating governments to ensure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all participants.

(j) Commercial agreements with certain countries

(1) Any United States firm, enterprise, or other nongovernmental entity which enters into an agreement with any agency of the government of a controlled country, that calls for the encouragement of technical cooperation and that is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report to the Secretary the agreement with such agency in sufficient detail.

(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions.

(k) Negotiations with other countries

The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Commerce, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with other countries, including those countries not participating in the group known as the Coordinating Committee, regarding their cooperation in restricting the export of goods and technology in order to carry out the policy set forth in section 3(9) of this Act [section 2402(9) of this Appendix], as authorized by subsection (a) of this section, including negotiations with respect to which goods and technology should be subject to multilaterally agreed export restrictions and what conditions should apply for exceptions from those restrictions. In cases where such negotiations produce agreements on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secretary shall treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated, including the same manner as exports are treated under subsection (b)(2) of this section and section 10(*o*) of this Act [section 2409(*o*) of this Appendix].

(*l*) Diversion of controlled goods or technology

(1) Whenever there is reliable evidence, as determined by the Secretary, that goods or technology which were exported subject to national security controls under this section to a controlled country have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Secretary for as long as that diversion continues—

(A) shall deny all further exports, to or by the party or parties responsible for that diversion or who conspired in that diversion, of any goods or technology subject to national security controls under this section, regardless of whether such goods or technology are available from sources outside the United States; and

(B) may take such additional actions under this Act [section 2401 to 2420 of this Appendix] with respect to the party or parties referred to in subparagraph (A) as the Secretary determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

(2) As used in this subsection, the term "unauthorized use" means the use of United States goods or technology in the design, production, or maintenance of any item on the United States Munitions List, or the military use of any item on the International Control List of the Coordinating Committee.

(m) Goods containing microprocessors

Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing an embedded microprocessor referred to in the preceding sentence only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

(n) Security measures

The Secretary and the Commissioner of Customs, consistent with their authorities under section 12(a) of this Act [section 2411(a) of this Appendix], and in consultation with the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to export controls under this section to develop security systems to prevent violations or evasions of those export controls.

(*o*) Recordkeeping

The Secretary, the Secretary of Defense, and any other department or agency consulted in connection with a license application under this Act [sections 2401 to 2420 of this Appendix] or a revision of a list of goods or technology subject to export controls under this Act [sections 2401 to 2420 of this Appendix], shall make and keep records of their respective advice, recommendations, or decisions in connection with any such license application or revision, including the factual and analytical basis of the advice, recommendations, or decisions.

(p) National Security Control Office

To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there is established in the Department of Defense a National Security Control Office under the direction of the Under Secretary of Defense for Policy. The Secretary of Defense may delegate to that office such of those authorities and responsibilities, together with such ancillary functions, as the Secretary of Defense considers appropriate.

(q) Exclusion for agricultural commodities

This section does not authorize export controls on agricultural commodities, including fats, oils, and animal hides and skins.

(As amended Pub. L. 99-64, title I, §§ 105(a)-(c)(1), (d)-(j), 106, 107, July 12, 1985, 99 Stat. 123-129.)

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-64, § 105(a)(1), added sentence providing that the authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of controlled countries.

Subsec. (a)(2). Pub. L. 99-64, § 105(a)(2), struck out designation "(A)" before "Whenever the Secretary makes any revision", and struck out subpar. (B) which read as follows: "Whenever the Secretary denies any export license under this section, the Secretary shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this section. The Secretary shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls imposed under this section, or the Secretary shall indicate in such notice which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restriction, if appropriate."

Subsec. (a)(3). Pub. L. 99-64, § 105(a)(3), struck out "Such regulations shall not be based upon the assumption that such effective safeguards can be devised."

Subsec. (b)(1). Pub. L. 99-64, § 105(b)(1), designated existing provisions as par. (1) and in par. (1) as so designated provided that the President shall establish to a list of controlled countries which may be expanded or reduced by the President based upon certain enumerated factors, and struck out provisions which had stated that the policy of the United States toward individual countries should not be determined exclusively on the basis of that country's Communist or non-Communist status but rather on the country's relationships to the United States and countries friendly to the United States.

Pub. L. 99-64, § 105(b)(3), substituted "set forth in this paragraph" for "specified in the preceding sentence" in last sentence.

Subsec. (b)(2). Pub. L. 99-64, § 105(b)(2), added par. (2).

Subsec. (c)(1). Pub. L. 99-64, § 105(c)(1)(A), struck out "commodity" before "control list".

Subsec. (c)(3). Pub. L. 99-64, § 105(c)(1)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "The Secretary shall issue regulations providing for review of the list established pursuant to this subsection not less frequently than every 3 years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, in order to carry out the policy set forth in section 3(2)(A) and the provisions of this section, and for the prompt issuance of such revisions of the list as may be necessary. Such regulations shall provide interested Government agencies and other affected or potentially affected parties with an opportunity, during such review, to submit written data, views, or arguments, with or without oral presentation. Such regulations shall further provide that, as part of such review, an assessment be made of the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled under this section. The Secretary and any agency rendering advice with respect to export controls shall keep adequate records of all decisions made with respect to revision of the list of controlled goods and technology, including the factual and analytical basis for the decision, and, in the case of the Secretary, any dissenting recommendations received from any agency."

Subsec. (d)(2). Pub. L. 99-64, § 106(a)(1), added subpar. (D) and in provisions following subpar. (D) substituted ", or availabile in fact from sources outside the United States to, controlled countries" for "countries to which exports are controlled under this section".

Subsec. (d)(4) to (7). Pub. L. 99-64, § 106(a)(2), added pars. (4) to (7) and struck out former pars. (4) to (6) which read as follows:

"(4) The initial version of the list referred to in paragraph (2) shall be completed and published in an appropriate form in the Federal Register not later than October 1, 1980.

"(5) The list of militarily critical technologies developed primarily by the Secretary of Defense pursuant to paragraph (2) shall become a part of the commodity control list, subject to the provisions of subsection (c) of this section.

"(6) The Secretary of Defense shall report annually to the Congress on actions taken to carry out this subsection."

Subsec. (e)(1). Pub. L. 99-64, § 105(d)(1), substituted "the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of individual validated licenses" for "a qualified general license in lieu of a validated license".

Subsec. (e)(3) to (5). Pub. L. 99-64, § 105(d)(2), added pars. (3) to (5) and struck out former pars. (3) and (4) which read as follows:

"(3) To the maximum extent practicable, consistent with the national security of the United States, the Secretary shall require a qualified general license, in lieu of a validated license, under this section for the export of goods or technology if the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party, but such export does not require the specific approval of the parties to such multilateral agreement.

"(4) Not later than July 1, 1980, the Secretary shall establish procedures for the approval of goods and technology that may be exported pursuant to a qualified general license."

Subsec. (f)(1). Pub. L. 99-64, § 107(a), (i), (j)(1), inserted "the Secretary of Defense and other" after "The Secretary, in consultation with", and substituted "controlled countries" for "such destinations" and "comparable quality" for "sufficient quality".

Subsec. (f)(2). Pub. L. 99-64, § 107(i), substituted "comparable quality" for "sufficient quality".

Subsec. (f)(3). Pub. L. 99-64, § 107(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "With respect to export controls imposed under this section, any determination of foreign availability which is the basis of a decision to grant a license for, or to remove a control on, the export of a good or technology, shall be made in writing and shall be supported by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In assessing foreign availability with respect to license applications, uncorroborated representations by applicants shall not be deemed sufficient evidence of foreign availability."

Subsec. (f)(4). Pub. L. 99-64, § 107(c), (j)(2), substituted first three sentences for "sentence providing that in any case in which, in accordance with this subsection, export controls are imposed under this section notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability", and substituted "controlled countries" for "countries to which exports are controlled under this section".

Subsec. (f)(5). Pub. L. 99-64, § 107(d)(1), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "In order to further carry out the policies set forth in this Act, the Secretary shall establish, within the Office of Export Administration of the Department of Commerce, a capability to monitor and gather information with respect to the foreign availability of any goods or technology subject to export controls under this Act."

Subsec. (f)(6). Pub. L. 99-64, § 107(d)(2), substituted "Office of Foreign Availability" for "Office of Export Administration".

Subsec. (f)(7). Pub. L. 99-64, § 107(e), added par. (7).

Subsec. (g). Pub. L. 99-64, § 105(e), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "In order to ensure that requirements for validated licenses and qualified general licenses are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. Any such goods or technology which no longer meet the performance levels established by the latest such increase shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised."

Subsec. (h)(1). Pub. L. 99-64, § 107(f)(1), inserted reference to the intelligence community.

Subsec. (h)(2)(E). Pub. L. 99-64, § 107(f)(2), added cl. (E).

Subsec. (h)(6). Pub. L. 99-64, § 107(f)(3), (i), (j)(2), substituted "controlled countries" for "countries to which exports are controlled under this section", "comparable quality" for "sufficient quality", and "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification" for "and provides adequate documentation for such certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section, the Secretary shall investigate such availability, and if such availability is verified, the Secretary shall remove the requirement of a validated license for the export of the goods or technology, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States", struck out provision that, in any case in which the President determined that export controls under this section had to be maintained notwithstanding foreign availability, the Secretary had to publish that determination together with a concise statement of its basis and the estimated economic impact of the decision, added provisions directing the Secretary to investigate certified foreign availability and, not later than 90 days after the certification is made, submit a report to the technical advisory committee and the Congress, and added subpars. (A) to (C) and concluding provision.

Subsec. (i)(3). Pub. L. 99-64, § 105(f)(1), (2), redesignated par. (4) as (3) and substituted therein "agreed to by members of the Committee" for "agreed to pursuant to paragraph (3)", and struck out former par. (3) relating to agreement to reduce the scope of the export controls imposed by agreement of the Committee to a level acceptable to and enforceable by all governments participating in the Committee.

Subsec. (i)(4) to (9). Pub. L. 99-64, § 105(f)(3), added pars. (4) to (9). Former par. (4) redesignated (3).

Subsec. (j)(1). Pub. L. 99-64, § 105(g), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Any United States firm, enterprise, or other nongovernmental entity which, for commercial purposes, enters into any agreement with any agency of the government of a country to which exports are restricted for national security purposes, which agreement cites an intergovernmental agreement (to which the United States and such country are parties) calling for the encouragement of technical cooperation and is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report the agreement with such agency to the Secretary."

Subsec. (k). Pub. L. 99-64, § 105(h), inserted ", including those countries not participating in the group known as the Coordinating Committee," after "conducting negotiations with other countries", and added provision that, in cases where such negotiations produce agreements on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secretary shall treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated, including the same manner as exports are treated under subsection (b)(2) of this section and section 10(*o*) of this Act.

Subsec. (*l*). Pub. L. 99-64, § 105(i), struck out "to military use" after "Diversion" in heading, and amended text of subsec. (*l*), generally. Prior to amendment, subsec. (*l*) read as follows:

"(1) Whenever there is reliable evidence that goods or technology, which were exported subject to national security controls under this section to a country to which exports are controlled for national security purposes, have been diverted to significant military use in violation of the conditions of an export license, the Secretary for as long as that diversion to significant military use continues—

"(A) shall deny all further exports to the party responsible for that diversion of any goods or technology subject to national security controls under this section which contribute to that particular military use, regardless of whether such goods or technology are available to that country from sources outside the United States; and

"(B) may take such additional steps under this Act with respect to the party referred to in subparagraph (A) as are feasible to deter the further military use of the previously exported goods or technology.

"(2) As used in this subsection, the terms 'diversion to significant military use' and 'significant military use' means the use of United States goods or technology to design or produce any item on the United States Munitions List."

Subsecs. (m) to (q). Pub. L. 99-64, § 105(j), added subsecs. (m) to (q).

Effective Date of 1985 Amendment

Section 105(c)(2) of Pub. L. 99-64 provided that: "The amendment made by paragraph (1)(B) of this subsection [amending subsec. (c)(3) of this section] shall take effect on October 1, 1985."

Section Referred to in Other Sections

This section is referred to in sections 2403, 2405, 2409, 2410, 2411, 2413, 2414, 2415, 2416, 2417 of this Appendix; title 19 section 1864.

§ 2405. Foreign policy controls

(a) Authority

(1) In order to carry out the policy set forth in paragraph (2)(B), (7), (8), or (13) of section 3 of this Act [section 2402(2)(B), (7), (8), or (13) of this Appendix], the President may prohibit or curtail the exportation of any goods, technology, or other information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.

(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity.

(3) Export controls maintained for foreign policy purposes shall expire on December 31, 1979, or one year after imposition, whichever is later, unless extended by the President in accordance with subsections (b) and (f). Any such extension and any subsequent extension shall not be for a period of more than one year.

(4) Whenever the Secretary denies any export license under this subsection, the Secretary shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this subsection, and the reasons for such denial, with reference to the criteria set forth in subsection (b) of this section. The Secretary shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls implemented under this section, or the Secretary shall indicate in such notice which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restrictions, if appropriate.

(5) In accordance with the provisions of section 10 of this Act [section 2409 of this Appendix], the Secretary of State shall have the right to review any export license application under this section which the Secretary of State requests to review.

(b) Criteria

(1) Subject to paragraph (2) of this subsection, the President may impose, extend, or expand export controls under this section only if the President determines that—

(A) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that foreign policy purpose cannot be achieved through negotiations or other alternative means;

(B) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

(C) the reaction of other countries to the imposition, extension, or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or to be counterproductive to United States foreign policy interests;

(D) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives; and

(E) the United States has the ability to enforce the proposed controls effectively.

(2) With respect to those export controls in effect under this section on the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], the President, in determining whether to extend those controls, as required by subsection (a)(3) of this section, shall consider the criteria set forth in paragraph (1) of this subsection and shall consider the foreign policy consequences of modifying the export controls.

(c) Consultation with industry

The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established under section 135 of the Trade Act of 1974 [19 U.S.C. 2155] before imposing any export control under this section. Such consultation and advice shall be with respect to the criteria set forth in subsection (b)(1) and such other matters as the Secretary considers appropriate.

(d) Consultation with other countries

When imposing export controls under this section, the President shall, at the earliest appropriate opportunity, consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b)(1) and such other matters as the President considers appropriate.

(e) Alternative means

Before resorting to the imposition of export controls under this section, the President shall determine that reasonable efforts have been made to achieve the purposes of the controls through negotiations or other alternative means.

(f) Consultation with Congress

(1) The President may impose or expand export controls under this section, or extend such controls as required by subsection (a)(3) of this section, only after consultation with the Congress, including the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The President may not impose, expand, or extend export controls under this section until the President has submitted to the Congress a report—

(A) specifying the purpose of the controls;

(B) specifying the determinations of the President (or, in the case of those export controls described in subsection (b)(2), the considerations of the President) with respect to each of the criteria set forth in subsection (b)(1), the bases for such determinations (or considerations), and any possible adverse foreign policy consequences of the controls;

(C) describing the nature, the subjects, and the results of, or the plans for, the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations.

(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act [section 2411(c) of this Appendix]. Each such report shall, at the same time it is submitted to the Congress, also be submitted to the General Accounting Office for the purpose of assessing the report's full compliance with the intent of this subsection.

(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3)(A) of this Act [section 2406(g)(3)(A) of this Appendix].

(5) In addition to any written report required under this section, the Secretary, not less frequently than annually, shall present in oral testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on policies and actions taken by the Government to carry out the provisions of this section.

(g) Exclusion for medicine and medical supplies and for certain food exports

This section does not authorize export controls on medicine or medical supplies. This section also does not authorize export controls on donations of goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs. Before export controls on food are imposed, expanded, or extended under this section, the Secretary shall notify the Secretary of State in the case of export controls applicable with respect to any developed country and shall notify the Director of the United States International Development Cooperation Agency in the case of export controls applicable with respect to any developing country. The Secretary of State with respect to developed countries, and the Director with respect to developing countries, shall determine whether the proposed export controls on food would cause measurable malnutrition and shall inform the Secretary of that determination. If the Secretary is informed that the proposed export controls on food would cause measurable malnutrition, then those controls may not be imposed, expanded, or extended, as the case may be, unless the President determines that those controls are necessary to protect the national security interests of the United States, or unless the President determines that arrangements are insufficient to ensure that the food will reach those most in need. Each such determination by the Secretary of State or the Director of the United States International Development Cooperation Agency, and any such determination by the President, shall be reported to the Congress, together with a statement of the reasons for that determination. It is the intent of Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine or medical supplies or of food under the International Emergency Economic Powers Act [50 U.S.C 1701 et seq.]. This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985]. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act [section 2402(13) of this Appendix].

(h) Foreign availability

(1) In applying export controls under this section, the President shall take all feasible steps to initiate and conclude negotiations with appropriate foreign governments for the purpose of securing the cooperation of such foreign governments in controlling the export to countries and consignees to which the United States export controls apply of any goods or technology comparable to goods or technology controlled under this section.

(2) Before extending any export control pursuant to subsection (a)(3) of this section, the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of that evaluation in his report to the Congress pursuant to subsection (f) of this section.

(3) If, within 6 months after the date on which export controls under this section are imposed or expanded, or within 6 months after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985] in the case of export controls in effect on such date of enactment, the President's efforts under paragraph (1) are not successful in securing the cooperation of foreign governments described in paragraph (1) with respect to those export controls, the Secretary shall thereafter take into account the foreign availability of the goods or technology subject to the export controls. If the Secretary affirmatively determines that a good or technology subject to the export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving the purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is required for the export of the good or technology and which meets all requirements for such a license. The Secretary shall remove the good or technology from the list established pursuant to subsection (*l*) of this section if the Secretary determines that such action is appropriate.

(4) In making a determination of foreign availability under paragraph (3) of this subsection, the Secretary shall follow the procedures set forth in section 5(f)(3) of this Act [section 2404(f)(3) of this Appendix].

(i) International obligations

The provisions of subsections (b), (c), (d), (e), (g), and (h) shall not apply in any case in which the President exercises the authority contained in this section to impose export controls, or to approve or deny export license applications, in order to fulfill obligations of the United States pursuant to treaties to which the United States is a party or pursuant to other international agreements.

(j) Countries supporting international terrorism

(1) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

(A) Such country has repeatedly provided support for acts of international terrorism.

(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

(2) Any determination which has been made with respect to a country under paragraph (1) of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding 6-month period; and

(B) the country concerned has provided assurances that it will not support acts of international terrorism in the future.

(k) Crime control instruments

(1) Crime control and detection instruments and equipment shall be approved for export by the Secretary only pursuant to a validated export license. Notwithstanding any other provision of this Act [sections 2401 to 2420 of this Appendix]—

(A) any determination of the Secretary of what goods or technology shall be included on the list established pursuant to subsection (*l*) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, and

(B) any determination of the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act [section 2409(e) of this Appendix],

except that, if the Secretary does not agree with the Secretary of State with respect to any determination under subparagraph (A) or (B), the matter shall be referred to the President for resolution.

(2) The provisions of this subsection shall not apply with respect to exports to countries which are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this subsection and section 502B of the Foreign Assistance Act of 1961 [22 U.S.C. 2304].

(*l*) Control list

The Secretary shall establish and maintain, as part of the control list, a list of any goods or technology subject to export controls under this section, and the countries to which such controls apply. The Secretary shall clearly identify on the control list which goods or technology, and which countries or destinations, are subject to which types of controls under this section. Such list shall consist of goods and technology identified by the Secretary of State, with the concurrence of the Secretary. If the Secretary and the Secretary of State are unable to agree on the list, the matter shall be referred to the President. Such list shall be reviewed not less frequently than every three years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, for the purpose of making such revisions as are necessary in order to carry out this section. During the course of such review, an assessment shall be made periodically of the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled for export from the United States under this section.

(m) Effect on existing contracts and licenses

The President may not, under this section, prohibit or curtail the export or reexport of goods, technology, or other information—

(1) in performance of a contract or agreement entered into before the date on which the President reports to the Congress, pursuant to subsection (f) of this section, his intention to impose controls on the export or reexport of such goods, technology, or other information, or

(2) under a validated license or other authorization issued under this Act [sections 2401 to 2420 of this Appendix],

unless and until the President determines and certifies to the Congress that—

(A) a breach of the peace poses a serious and direct threat to the strategic interest of the United States,

(B) the prohibition or curtailment of such contracts, agreements, licenses, or authorizations will be instrumental in remedying the situation posing the direct threat, and

(C) the export controls will continue only so long as the direct threat persists.

(n) Extension of certain controls

Those export controls imposed under this section with respect to South Africa which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983, shall become effective on the date of the enactment of this subsection [July 12, 1985], and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.

(o) Expanded authority to impose controls

(1) In any case in which the President determines that it is necessary to impose controls under this section without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section, the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days after the Congress receives the determination and report of the President, that joint resolution shall be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the appropriate committee of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the joint resolution.

(2) For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on   a determination of the President under section 6(*o*)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.", with the date of the receipt of the determination and report inserted in the blank.

(3) In the computation of the periods of 30 days referred to in paragraph (1), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(As amended Pub. L. 99-64, title I, § 108(a)–(g)(1), (h)–(j)(1), (k), (*l*)(1), July 12, 1985, 99 Stat. 131–136.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (g), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§ 1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Section 6(*o*)(1) of the Export Administration Act of 1979, referred to in subsec. (*o*)(2), is classified to subsec. (*o*)(1) of this section.

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-64, § 108(a)(1), substituted "(8), or (13)" for "or (8)", and inserted ", the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative," after "in consultation with the Secretary of State".

Subsec. (a)(2). Pub. L. 99-64, § 108(a)(3), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 99-64, § 108(a)(2), (4), redesignated par. (2) as (3) and substituted "subsections (b) and (f)" for "subsections (b) and (e)". Former par. (3) redesignated (4).

Subsec. (a)(4), (5). Pub. L. 99-64, § 108(a)(2), redesignated pars. (3) and (4) as (4) and (5), respectively.

Subsec. (b). Pub. L. 99-64, § 108(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "When imposing, expanding, or extending export controls under this section, the President shall consider—

"(1) the probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

"(2) the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country which is the proposed target of the controls;

"(3) the reaction of other countries to the imposition or expansion of such export controls by the United States;

"(4) the likely effects of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, including the effects of the controls on existing contracts;

"(5) the ability of the United States to enforce the proposed controls effectively; and

"(6) the foreign policy consequences of not imposing controls."

Subsec. (c). Pub. L. 99-64, § 108(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The Secretary, before imposing export controls under this section, shall consult with such affected United States industries as the Secretary considers appropriate, with respect to the criteria set forth in paragraphs (1) and (4) of subsection (b) and such other matters as the Secretary considers appropriate."

Subsec. (d). Pub. L. 99-64, § 108(d)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 99-64, § 108(d)(1), redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 99-64, § 108(d)(1), (e), redesignated former subsec. (e) as (f), and as so redesignated amended subsec. (f) generally, substituting "Consultation with Congress" for "Notification to Congress" in heading, and in text making consultation with the Congress mandatory and not merely discretionary before the President imposes, expands, or extends export controls. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 99-64, § 108(d)(1), (f), redesignated former subsec. (f) as (g), and as so redesignated added sentence directing that this section does not authorize export controls on donations of goods that are intended to meet basic human needs, and substituted "This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1985" for "This subsection shall not apply to any export control on medicine or medical supplies which is in effect on the effective date of this Act or to any export control on food which is in effect on the date of the enactment of the Export Administration Amendments Act of 1981" and added: "Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act."

Subsec. (h). Pub. L. 99-64, § 108(g)(1), designated existing provisions as par. (1) and added pars. (2) to (4).

Pub. L. 99-64, § 108(d)(1), redesignated former subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 99-64, § 108(d)(1), (h), redesignated former subsec. (h) as (i) and substituted "(e), (g), and (h)" for "(f), and (g)". Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 99-64, § 108(d)(1), (i), redesignated former subsec. (i) as (j), and as so redesignated amended subsec. (j) generally, designating the existing sentence as par. (1) and former pars. (1) and (2) thereof as subpars. (A) and (B), and adding par. (2). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 99-64, § 108(d)(1), redesignated former subsec. (j) as (k). Former subsec. (k) redesignated (*l*).

Subsec. (k)(1). Pub. L. 99-64, § 108(j)(1), added sentence relating to the concurrence of the Secretary of State.

Subsec. (*l*). Pub. L. 99-64, § 108(d)(1), (k), redesignated former subsec. (k) as (*l*), substituted reference to "the control list" for existing reference to "the commodity control list' after "The Secretary shall establish and maintain, as part of", and substituted "The Secretary shall clearly identify on the control list which goods or technology, and which countries or destinations, are subject to which types of controls under this section" for "Such goods or technology shall be clearly identified as subject to controls under this section".

Subsecs. (m) to (*o*). Pub. L. 99-64, § 108(*l*)(1), added subsecs. (m) to (*o*).

Effective Date of 1985 Amendment

Section 108(g)(2) of Pub. L. 99-64 provided that: "The amendments made by paragraph (1) of this subsection [enacting subsec. (h)(2) to (4) of this section] shall not apply to export controls in effect under subsection (i), (j), or (k) of section 6 of the Export Administration Act of 1979 [subsec. (i), (j), or (k) of this section] (as redesignated by subsection (d) of this section) immediately before the date of the enactment of this Act [July 12, 1985], or to export controls made effective by subsection (i)(2) of this section [there is no section 108(i)(2) of Pub. L. 99-64] or by section 6(n) of the Export Administration Act of 1979 [subsec. (n) of this section] (as added by subsection (*l*)(1) of this section)."

Section 108(j)(2) of Pub. L. 99-64 provided that: "The amendment made by paragraph (1) of this subsection [amending subsec. (k)(1) of this section] shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act [July 12, 1985]."

Section 108(*l*)(2) of Pub. L. 99-64 provided that: "Subsections (m) and (*o*) of section 6 of the Export Administration Act of 1979 [subsecs. (m) and (*o*) of this section], as added by paragraph (1) of this subsection, shall not apply to export controls in effect immediately before the date of the enactment of this Act [July 12, 1985], or to export controls made effective by subsection (i)(2) of this section [there is no section 108(i)(2) of Pub. L. 99-64] or by section 6(n) of the Export Administration Act of 1979 [subsec. (n) of this section] (as added by paragraph (1) of this subsection)."

Section Referred to in Other Sections

This section is referred to in sections 2407, 2410, 2413, 2414, 2416 of this Appendix.

§ 2406. Short supply controls

[See main edition for text of (a) *and* (b)*]*

(c) Petitions for monitoring or controls

(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, that is representative of an industry or a substantial segment of an industry that processes metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to any such material, in order to carry out the policy set forth in section 3(2)(C) of this Act [section 2402(2)(C) of this Appendix].

(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating that each of the criteria set forth in paragraph (3)(A) of this subsection is satisfied.

(2) Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall—

(A) include the name of the material that is the subject of the petition,

(B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States,

(C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and

(D) provide that interested persons shall have a period of 30 days beginning on the date of publication of such notice to submit to the Secretary written data, views or arguments, with or without opportunity for oral presentation, with respect to the matter involved.

At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material that is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

(3)(A) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material that is the subject of the petition, in order to carry out the policy set forth in section 3(2)(C) of this Act [section 2402(2)(C) of this Appendix]. In making such determination, the Secretary shall determine whether—

(i) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;

(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material relative to demand;

(iii) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found under clause (ii);

(iv) a domestic price increase or shortage relative to demand found under clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and

(v) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act [section 2402(2)(C) of this Appendix].

(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.

(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days after the publication of such proposed regulations, and after considering any public comments on the proposed regulations, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses to such petitions, which involve the same or related materials.

(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after the consideration of the prior petition has been completed does not merit complete consideration under this subsection.

(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Secretary with respect to the same subject as that of the petition.

(8) The Secretary may impose monitoring or controls, on a temporary basis, on the export of a metallic material after a petition is filed under paragraph (1)(A) with respect to that material but before the Secretary makes a determination under paragraph (3) with respect to that material only if—

(A) the failure to take such temporary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, and

(B) the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act [section 2402(2)(C) of this Appendix].

(9) The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this Act [sections 2401 to 2420 of this Appendix], except that if the Secretary determines, on the Secretary's own initiative, to impose monitoring or controls, or both, on the export of metallic materials capable of being recycled, under the authority of this section, the Secretary shall publish the reasons for such action in accordance

with paragraph (3)(A) and (B) of this subsection.

(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act [sections 2401 to 2420 of this Appendix], or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.

(d) Domestically produced crude oil

(1) Notwithstanding any other provision of this Act [sections 2401 to 2420 of this Appendix] and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), no domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) (except any such crude oil which (A) is exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the United States; such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States) may be exported from the United States, or any of its territories and possessions, subject to paragraph (2) of this subsection.

(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

(A) the President so recommends to the Congress after making and publishing express findings that exports of such crude oil, including exchanges—

[*See main edition for text of* (*i*) *to* (*v*)]

(B) the President includes such findings in his recommendation to the Congress and the Congress, within 60 days after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law.

[*See main edition for text of* (*3*)]

(4) Notwithstanding the provisions of section 20 of this Act [section 2419 of this Appendix], the provisions of this subsection shall expire on September 30, 1990.

(e) Refined petroleum products

(1) In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act [section 2402(2)(C) of this Appendix], the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no refined petroleum product may be exported except pursuant to an export license specifically authorizing such export. Not later than 5 days after an application for a license to export any refined petroleum product or residual fuel oil is received, the Secretary shall notify the Congress of such application, together with the name of the exporter, the destination of the proposed export, and the amount and price of the proposed export. Such notification shall be made to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate.

[*See main edition for text of* (*2*) *to* (*5*); (*f*)]

(g) Agricultural commodities

[*See main edition for text of* (*1*) *and* (*2*)]

(3)(A) If the President imposes export controls on any agricultural commodity in order to carry out the policy set forth in paragraph (2)(B), (2)(C), (7), or (8) of section 3 of this Act [section 2402(2)(B), (2)(C), (7), or (8) of this Appendix], the President shall immediately transmit a report on such action to the Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If the Congress, within 60 days after the date of its receipt of the report, adopts a joint resolution pursuant to paragraph (4) approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of that 60-day period.

(B) The provisions of subparagraph (A) and paragraph (4) shall not apply to export controls—

(i) which are extended under this Act [sections 2401 to 2420 of this Appendix] if the controls, when imposed, were approved by the Congress under subparagraph (A) and paragraph (4); or

(ii) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

(4)(A) For purposes of this paragraph, the term "joint resolution" means only a joint resolution the matter after the resolving clause of which is as follows: "That, pursuant to section 7(g)(3) of the Export Administration Act of 1979, the President may impose export controls as specified in the report submitted to the Congress on ", with the blank space being filled with the appropriate date.

(B) On the day on which a report is submitted to the House of Representatives and the

Senate under paragraph (3), a joint resolution with respect to the export controls specified in such report shall be introduced (by request) in the House by the chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(C) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee and all joint resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(D) If the committee of either House to which a joint resolution has been referred has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(E) A joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this paragraph, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this paragraph which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(F) In the case of a joint resolution described in subparagraph (A), if, before the passage by one House of a joint resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(5) In the computation of the period of 60 days referred to in paragraph (3) and the period of 30 days referred to in subparagraph (D) of paragraph (4), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

[See main edition for text of (h)]

(i) Unprocessed red cedar

(1) The Secretary shall require a validated license, under the authority contained in subsection (a) of this section, for the export of unprocessed western red cedar (Thuja plicata) logs, harvested from State or Federal lands. The Secretary shall impose quantitative restrictions upon the export of unprocessed western red cedar logs during the 3-year period beginning on the effective date of this Act [September 30, 1979] as follows:

[See main edition for text of (A) to (C)]

After the end of such 3-year period, no unprocessed western red cedar logs harvested from State or Federal lands may be exported from the United States.

(2) To the maximum extent practicable, the Secretary shall utilize the multiple validated export licenses described in section 4(a)(2) of this Act [section 2403(a)(2) of this Appendix] in lieu of validated licenses for exports under this subsection.

(3) The Secretary shall allocate export licenses to exporters pursuant to this subsection on the basis of a prior history of exportation by such exporters and such other factors as the Secretary considers necessary and appropriate to minimize any hardship to the producers of western red cedar and to further the foreign policy of the United States.

(4) Unprocessed western red cedar logs shall not be considered to be an agricultural commodity for purposes of subsection (g) of this section.

(5) As used in this subsection, the term "unprocessed western red cedar" means red cedar timber which has not been processed into—

(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;

(B) chips, pulp, and pulp products;

(C) veneer and plywood;

(D) poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; or

(E) shakes and shingles.

(j) Effect of controls on existing contracts

The export restrictions contained in subsection (i) of this section and any export controls imposed under this section shall not affect any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export. Any export controls imposed under this section on any agricultural commodity (including fats, oils, and animal hides and skins) or on any forest product or fishery product, shall not affect any contract to export entered into before the date on which such controls are imposed. For purposes of this subsection, the term "contract to export" includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.

(As amended Pub. L. 99-64, title I, §§ 109, 110, July 12, 1985, 99 Stat. 137, 139.)

References in Text

Section 7(g)(3) of the Export Administration Act of 1979, referred to in subsec. (g)(4)(A), is classified to subsec. (g)(3) of this section.

Section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(E), is section 601(b)(4) of Pub. L. 94-329, June 30, 1976, 90 Stat. 729, which made provision for expedited procedures in the Senate, and is not classified to the Code.

Amendments

1985—Subsec. (c). Pub. L. 99-64, § 109, amended subsec. (c) generally to require the Secretary to make and publish certain determinations of private petitions as well as on self-initiated motions before imposing monitoring or controls or both on exports of metallic materials capable of being recycled, to require that each petition filed requesting the imposition of monitoring, controls, or both, on metallic materials capable of being recycled indicate that each of the criteria in par. (3)(A) is satisfied, to require the Secretary to publish certain determinations, including findings of fact in support of the determinations, before deciding whether to impose monitoring, controls, or both on exports of such material, including whether there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand, and whether exports of such material are as important as any other cause of the domestic price increase or shortage relative to demand, to allow the Secretary to impose monitoring, controls, or both, on a temporary basis after a petition is filed if the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of the Act, but before the Secretary makes a determination under par. (3) only if failure to take such temporary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, requires that if the Secretary determines, on his initiative, to monitor, control, or both, the export of such material, the Secretary shall publish the reasons for such determination in accordance with par. (3)(A) and (B), requires that exports of material be as important as any other cause of the increased domestic prices or shortage, and sets a standard under which exports need not be the sole or principal cause of the price rise or domestic shortage in order for exports of the material to be controlled or monitored.

Subsec. (d)(1). Pub. L. 99-64, § 110(a)(1), substituted "subject to paragraph (2) of this subsection" for "unless the requirements of paragraph (2) of this subsection are met".

Subsec. (d)(2)(A). Pub. L. 99-64, § 110(a)(2), substituted "the President so recommends to the Congress after making and publishing" for "the President makes and publishes" in the provisions preceding cl. (i).

Subsec. (d)(2)(B). Pub. L. 99-64, § 110(a)(3), substituted "includes such findings in his recommendation" for "reports such findings" and "after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law" for "thereafter, agrees to a concurrent resolution approving such exports on the basis of the findings".

Subsec. (d)(4). Pub. L. 99-64, § 110(a)(4), added par. (4).

Subsec. (e)(1). Pub. L. 99-64, § 110(b), substituted "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no" for "No".

Subsec. (g)(3). Pub. L. 99-64, § 110(d), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "If the authority conferred by this section or section 6 is exercised to prohibit or curtail the export of any agricultural commodity in order to carry out the policies set forth in subparagraph (B) or (C) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die."

Subsec. (g)(4), (5). Pub. L. 99-64, § 110(d), added pars. (4) and (5).

Subsec. (i)(1). Pub. L. 99-64, § 110(c)(1), inserted "harvested from State or Federal lands" after "red cedar logs" in concluding provision.

Subsec. (i)(2). Pub. L. 99-64, § 110(c)(3), added par. (2). Former par. (2) redesignated (3).

Subsec. (i)(3), (4). Pub. L. 99-64, § 110(c)(2), redesignated former pars. (2) and (3) as (3) and (4), respectively. Former pars. (3) and (4) redesignated (4) and (5), respectively.

Subsec. (i)(5). Pub. L. 99-64, § 110(c)(2), redesignated former par. (4) as (5).

Subsec. (i)(5)(A). Pub. L. 99-64, § 110(c)(4), amended subpar. (A) generally, substituting "lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better" for "lumber without wane".

Subsec. (j). Pub. L. 99-64, § 110(e), added subsec. (j) and struck out former subsec. (j) which related to the export of horses. See section 466c of Title 46, Appendix, Shipping.

Unprocessed Red Cedar Exempt From Export Regulations

Pub. L. 98-411, title V, § 514, Aug. 30, 1984, 98 Stat. 1575, provided that: "None of the funds appropriated or made available by this Act [Pub. L. 98-411] may be used to enforce or give effect to any restriction on the export of unprocessed western red cedar harvested from State lands pursuant to a harvesting contract entered into prior to October 1, 1979."

§ 2407. Foreign boycotts

Section Referred to in Other Sections

This section is referred to in sections 2410, 2411, 2412, 2414 of this Appendix.

§ 2409. Procedures for processing export license applications; other inquiries

[See main edition for text of (a) and (b)]

(c) Action on certain applications

Except as provided in subsection (o), in each case in which the Secretary determines that it is not necessary to refer an application to any other department or agency for its information and recommendations, a license shall be formally issued or denied within 60 days after a properly completed application has been submitted pursuant to this section.

(d) Referral to other departments and agencies

Except in the case of exports described in subsection (*o*), in each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, within 20 days after the submission of a properly completed application—

[*See main edition for text of (1) and (2)*]

Notwithstanding the 10-day period set forth in subsection (b), in the case of exports described in subsection (*o*), in each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, immediately upon receipt of the properly completed application, refer the application to such department or agency for its review. Such review shall be concurrent with that of the Department of Commerce.

(e) Action by other departments and agencies

(1) Any department or agency to which an application is referred pursuant to subsection (d) shall submit to the Secretary the information or recommendations requested with respect to the application. The information or recommendations shall be submitted within 20 days after the department or agency receives the application or, in the case of exports described in subsection (*o*), before the expiration of the time periods permitted by that subsection. Except as provided in paragraph (2), any such department or agency which does not submit its recommendations within the time period prescribed in the preceding sentence shall be deemed by the Secretary to have no objection to the approval of such application.

(2)(A) Except in the case of exports described in subsection (*o*), if the head of any such department or agency notifies the Secretary before the expiration of the time period provided in paragraph (1) for submission of its recommendations that more time is required for review by such department or agency, such department or agency shall have an additional 20-day period to submit its recommendations to the Secretary. If such department or agency does not submit its recommendations within the time period prescribed by the preceding sentence, it shall be deemed by the Secretary to have no objection to the approval of such application.

(B) In the case of exports described in subsection (*o*), if the head of any such department or agency notifies the Secretary, before the expiration of the 15-day period provided in subsection (*o*)(1), that more time is required for review by such department or agency, the Secretary shall notify the applicant, pursuant to subsection (*o*)(1)(C), that additional time is required to consider the application, and such department or agency shall have additional time to consider the application within the limits permitted by subsection (*o*)(2). If such department or agency does not submit its recommendations within the time periods permitted under subsection (*o*), it shall be deemed by the Secretary to have no objection to the approval of such application.

(f) Action by Secretary

(1) Within 60 days after receipt of the recommendations of other departments and agencies with respect to a license application, as provided in subsection (e), the Secretary shall formally issue or deny the license. In deciding whether to issue or deny a license, the Secretary shall take into account any recommendation of a department or agency with respect to the application in question. In cases where the Secretary receives conflicting recommendations, the Secretary shall, within the 60-day period provided for in this subsection, take such action as may be necessary to resolve such conflicting recommendations. The provisions of this paragraph shall not apply in the case of exports described in subsection (*o*).

(2) In cases where the Secretary receives questions or negative considerations or recommendations from any other department or agency with respect to an application, the Secretary shall, to the maximum extent consistent with the national security and foreign policy of the United States, inform the applicant in writing of the specific questions raised and any such negative considerations or recommendations. Before a final determination with respect to the application is made, the applicant shall be entitled—

(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.

The provisions of this paragraph shall not apply in the case of exports described in subsection (*o*).

(3) In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of—

(A) the determination,

(B) the statutory basis for the proposed denial,

(C) the policies set forth in section 3 of this Act [section 2402 of this Appendix] which would be furthered by the proposed denial,

(D) what if any modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with export controls imposed under this Act [sections 2401 to 2420 of this Appendix],

(E) which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for considerations with regard to such modifications or restrictions, if appropriate,

(F) to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the determination to deny the application, and

(G) the availability of appeal procedures.

The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied. In the event decisions on license applications are deferred inconsistent with the provisions of this section, the applicant shall be so informed in writing within 5 days after such deferral.

(4) If the Secretary determines that a particular application or set of applications is of exceptional importance and complexity, and that additional time is required for negotiations to modify the application or applications, the Secretary may extend any time period prescribed in this section. The Secretary shall notify the Congress and the applicant of such extension and the reasons therefor. The provisions of this paragraph shall not apply in the case of exports described in subsection (*o*).

(g) Special procedures for Secretary of Defense

[*See main edition for text of (1)*]

(2) Notwithstanding any other provision of law, the Secretary of Defense shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense in order to make a determination referred to in paragraph (1). Whenever a license or other authority is requested for the export to any country to which exports are controlled for national security purposes of goods or technology within any such type or category, the Secretary shall notify the Secretary of Defense of such request, and the Secretary may not issue any license or other authority pursuant to such request before the expiration of the period within which the President may disapprove such export. The Secretary of Defense shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 20 days after notification of the request, shall—

[*See main edition for text of (A) to (C)*]

If the President notifies the Secretary, within 20 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country.

[*See main edition for text of (3) and (4)*]

(h) Multilateral controls

In any case in which an application, which has been finally approved under subsection (c), (f), or (g) of this section, is required to be submitted to a multilateral review process, pursuant to a multilateral agreement, formal or informal, to which the United States is a party, the license shall not be issued as prescribed in such subsections, but the Secretary shall notify the applicant of the approval of the application (and the date of such approval) by the Secretary subject to such multilateral review. The license shall be issued upon approval of the application under such multilateral review. If such multilateral review has not resulted in a determination with respect to the application within 40 days after such date, the Secretary's approval of the license shall be final and the license shall be issued, unless the Secretary determines that issuance of the license would prove detrimental to the national security of the United States. At the time at which the Secretary makes such a determination, the Secretary shall notify the applicant of the determination and shall notify the Congress of the determination, the reasons for the determination, the reasons for which the multilateral review could not be concluded within such 40-day period, and the actions planned or being taken by the United States Government to secure conclusion of the multilateral review. At the end of every 40-day period after such notification to Congress, the Secretary shall advise the applicant and the Congress of the status of the application, and shall report to the Congress in detail on the reasons for the further delay and any further actions being taken by the United States Government to secure conclusion of the multilateral review. In addition, at the time at which the Secretary issues or denies the license upon conclusion of the multilateral review, the Secretary shall notify the Congress of such issuance or denial and of the total time required for the multilateral review.

[*See main edition for text of (i)*]

(j) Appeal and court action

[*See main edition for text of (1) and (2)*]

(3) If, within 20 days after a petition is filed under paragraph (2), the processing of the application has not been brought into conformity with the requirements of this section, or the application has been brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for a restraining order, a temporary or permanent injunction, or other appropriate relief, to require compliance with the requirements of this section. The United States district courts shall have jurisdiction to provide such relief, as appropriate.

(k) Changes in requirements for applications

Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

(*l*) Other inquiries

(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the control list, the Secretary shall, within 10 working days after receipt of the request, inform the person making the request of the proper classification.

(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act [sections 2401 to 2420 of this Ap-

pendix] to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

(m) Small business assistance

Not later than 120 days after the date of the enactment of this subsection [July 12, 1985], the Secretary shall develop and transmit to the Congress a plan to assist small businesses in the export licensing application process under this Act [sections 2401 to 2420 of this Appendix]. The plan shall include, among other things, arrangements for counseling small businesses on filing applications and identifying goods or technology on the control list, proposals for seminars and conferences to educate small businesses on export controls and licensing procedures, and the preparation of informational brochures.

(n) Reports on license applications

(1) Not later than 180 days after the date of the enactment of this subsection [July 12, 1985], and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing—

(A) all applications on which action was completed during the preceding 3-month period and which required a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, before notification of a decision to approve or deny the application was sent to the applicant; and

(B) in a separate section, all applications which have been in process for a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, and upon which final action has not been taken.

(2) With regard to each application, each listing shall identify—

(A) the application case number;

(B) the value of the goods or technology to which the application relates;

(C) the country of destination of the goods or technology;

(D) the date on which the application was received by the Secretary;

(E) the date on which the Secretary approved or denied the application;

(F) the date on which the notification of approval or denial of the application was sent to the applicant; and

(G) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date on which notification of approval or denial of the application was sent to the applicant.

(3) With respect to an application which was referred to other departments or agencies, the listing shall also include—

(A) the departments or agencies to which the application was referred;

(B) the date or dates of such referral; and

(C) the date or dates on which recommendations were received from those departments or agencies.

(4) With respect to an application referred to any other department or agency which did not submit or has not submitted its recommendations on the application within the period permitted under subsection (e) of this section to submit such recommendations, the listing shall also include—

(A) the office responsible for processing the application and the position of the officer responsible for the office; and

(B) the period of time that elapsed before the recommendations were submitted or that has elapsed since referral of the application, as the case may be.

(5) Each report shall also provide an introduction which contains—

(A) a summary of the number of applications described in paragraph (1)(A) and (B) of this subsection, and the value of the goods or technology involved in the applications, grouped according to—

(i) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, as follows: 61 to 75 days, 76 to 90 days, 91 to 105 days, 106 to 120 days, and more than 120 days; and

(ii) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, beyond the period permitted under subsection (c), (f)(1), or (h) of this section for the processing of applications, as follows: not more than 15 days, 16 to 30 days, 31 to 45 days, 46 to 60 days, and more than 60 days; and

(B) a summary by country of destination of the number of applications described in paragraph (1)(A) and (B) of this subsection, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.

(o) Exports to members of Coordinating Committee

(1) Fifteen working days after the date of formal filing with the Secretary of an individual validated license application for the export of goods or technology to a country that maintains export controls on such goods or technology pursuant to the agreement of the governments participating in the group known as the Coordinating Committee, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license unless—

(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval;

(B) the application has been denied by the Secretary pursuant to this section and the applicant has been so informed, or the applicant has been informed, pursuant to subsection (f)(3) of this section, that the application should be denied; or

(C) the Secretary requires additional time to consider the application and the applicant has been so informed.

(2) In the event that the Secretary notifies an applicant pursuant to paragraph (1)(C) that more time is required to consider an individual validated license application, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license 30 working days after the date that such license application was formally filed with the Secretary unless—

(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval; or

(B) the application has been denied by the Secretary pursuant to this section and the applicant has been so informed, or the applicant has been informed, pursuant to subsection (f)(3) of this section, that the application should be denied.

(3) In reviewing an individual license application subject to this subsection, the Secretary shall evaluate the information set forth in the application and the reliability of the end-user.

(4) Nothing in this subsection shall affect the scope or availability of licenses authorizing multiple exports set forth in section 4(a)(2) of this Act [section 2403(a)(2) of this Appendix].

(5) The provisions of this subsection shall take effect 4 months after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985].

(As amended Pub. L. 99-64, title I, § 111, July 12, 1985, 99 Stat. 142.)

AMENDMENTS

1985—Pub. L. 99-64, § 111(e)(1), inserted "; other inquiries" in section catchline.

Subsec. (c). Pub. L. 99-94, § 111(a)(2), (b)(1), substituted "Except as provided in subsection (*o*) of this section, in each case" for "In each case" and "60" for "90".

Subsec. (d). Pub. L. 99-64, § 111(a)(3), (b)(2), substituted "Except in the case of exports described in subsection (*o*) of this section, in each case" for "In each case" and "20" for "30" in the provisions preceding par. (1), and added flush provision following par. (2) relating to exports described in subsec. (*o*) when it becomes necessary to refer an application to another department or agency for information and recommendations.

Subsec. (e)(1). Pub. L. 99-64, § 111(b)(3)(A), substituted "Any department or agency to which an application is referred pursuant to subsection (d) shall submit to the Secretary the information or recommendations requested with respect to the application" for "Any department or agency to which an application is referred pursuant to subsection (d) shall submit to the Secretary, within 30 days after its receipt of the application, the information or recommendations requested with respect to such application" and added sentence directing that information or recommendations be submitted within 20 days after the department or agency receives the application or, in the case of exports described in subsection (*o*), before the expiration of the time periods permitted by that subsection.

Subsec. (e)(2)(A). Pub. L. 99-64, § 111(a)(3), (b)(3)(B)(i), designated existing provisions of par. (2) as subpar. (A) and, in subpar. (A) as so designated, substituted "Except in the case of exports described in subsection (*o*), if the head" for "If the head" and "20" for "30".

Subsec. (e)(2)(B). Pub. L. 99-64, § 111(b)(3)(B)(ii), added subpar. (B).

Subsec. (f)(1). Pub. L. 99-64, § 111(a)(2), (b)(4), substituted "60" for "90" in two places and added sentence providing that the provisions of this paragraph shall not apply in the case of exports described in subsection (*o*).

Subsec. (f)(2). Pub. L. 99-64, § 111(c), inserted "in writing" after "inform the applicant", and substituted provisions describing the steps to which the applicant is entitled before a final determination with respect to the application is made and providing that the provisions of this paragraph shall not apply in the case of exports described in subsection (*o*), for provision that the Secretary accord the applicant an opportunity, before the final determination with respect to the application is made, to respond in writing to such questions, considerations, or recommendations.

Subsec. (f)(3). Pub. L. 99-64, § 111(d), added two new sentences describing the content of the writing which the applicant is entitled to receive when the Secretary determines that an application should be denied and directing that the Secretary allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied, and struck out existing sentence which had provided: "In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of the determination, of the statutory basis for denial, the policies set forth in section 3 of the Act [section 2402 of this Appendix] which would be furthered by denial, and, to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the denial, and of the availability of appeal procedures."

Subsec. (f)(4). Pub. L. 99-64, § 111(b)(4), added sentence providing that the provisions of this paragraph shall not apply in the case of exports described in subsec. (*o*).

Subsec. (g)(2). Pub. L. 99-64, § 111(a)(3), substituted "20" for "30" in provisions preceding subpar. (A) and in provisions following subpar. (C).

Subsec. (h). Pub. L. 99-64, § 111(a)(1), substituted "40" for "60" wherever appearing.

Subsec. (j)(3). Pub. L. 99-64, § 111(a)(3), substituted "20" for "30".

Subsecs. (k) to (*o*). Pub. L. 99-64, § 111(e)(2), added subsecs. (k) to (*o*).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2404, 2405, 2406, 2412, 2413, 2416 of this Appendix.

§ 2410. Violations

(a) In general

Except as provided in subsection (b) of this section, whoever knowingly violates or conspires to or attempts to violate any provision of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued thereunder shall be fined not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

(b) Willful violations

(1) Whoever willfully violates or conspires to or attempts to violate any provision of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued thereunder,

with knowledge that the exports involved will be used for the benefit of, or that the destination or intended destination of the goods or technology involved is, any controlled country or any country to which exports are controlled for foreign policy purposes—

[*See main edition for text of (A) and (B)*]

(2) Any person who is issued a validated license under this Act [sections 2401 to 2420 of this Appendix] for the export of any good or technology to a controlled country and who, with knowledge that such a good or technology is being used by such controlled country for military or intelligence gathering purposes contrary to the conditions under which the license was issued, willfully fails to report such use to the Secretary of Defense—

(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or $1,000,000, whichever is greater; and

(B) in the case of an individual, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

(3) Any person who possesses any goods or technology—

(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act [section 2404 or 2405 of this Appendix] or any regulation, order, or license issued with respect to such control, or

(B) knowing or having reason to believe that the goods or technology would be so exported,

shall, in the case of a violation of an export control imposed under section 5 [section 2404 of this Appendix] (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6 [section 2405 of this Appendix] (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in subsection (a).

(4) Any person who takes any action with the intent to evade the provisions of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix] shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of an export control imposed under section 5 or 6 of this Act [section 2404 or 2405 of this Appendix] (or any regulation, order, or license issued with respect to such control), such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

(5) Nothing in this subsection or subsection (a) shall limit the power of the Secretary to define by regulations violations under this Act [sections 2401 to 2420 of this Appendix].

(c) Civil penalties; administrative sanctions

(1) The Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed $10,000 for each violation of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix], either in addition to or in lieu of any other liability or penalty which may be imposed, except that the civil penalty for each such violation involving national security controls imposed under section 5 of this Act [section 2404 of this Appendix] or controls imposed on the export of defense articles and defense services under section 38 of the Arms Export Control Act [22 U.S.C. 2778] may not exceed $100,000.

[*See main edition for text of (2)*]

(3) An exception may not be made to any order issued under this Act [sections 2401 to 2420 of this Appendix] which revokes the authority of a United States person to export goods or technology unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.

(4) The President may by regulation provide standards for establishing levels of civil penalty provided in this subsection based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.

[*See main edition for text of (d)*]

(e) Refunds

Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c), or any amounts realized from the forfeiture of any property interest or proceeds pursuant to subsection (g), shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty imposed pursuant to subsection (c), within 2 years after payment, on the ground of a material error of fact or law in the imposition of the penalty. Notwithstanding section 1346(a) of title 28, United States Code, no action for the refund of any such penalty may be maintained in any court.

[*See main edition for text of (f)*]

(g) Forfeiture of property interest and proceeds

(1) Any person who is convicted under subsection (a) or (b) of a violation of an export control imposed under section 5 of this Act [section 2404 of this Appendix] (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States—

(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

(2) The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this subsection or with respect to any property that may be subject to forfeiture under this subsection, shall be governed by the provisions of section 1963 of title 18, United States Code.

(h) Prior convictions

No person convicted of a violation of section 793, 794, or 798 of title 18, United States Code, section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be eligible, at the discretion of the Secretary, to apply for or use any export license under this Act [sections 2401 to 2420 of this Appendix] for a period of up to 10 years from the date of the conviction. The Secretary may revoke any export license under this Act [sections 2401 to 2420 of this Appendix] in which such person has an interest at the time of the conviction.

(i) Other authorities

Nothing in subsection (c), (d), (f), (g), or (h) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act [sections 2401 to 2420 of this Appendix], or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix];

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act [sections 2401 to 2420 of this Appendix], or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix]; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

(As amended Pub. L. 99-64, title I, § 112, July 12, 1985, 99 Stat. 146.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-64, § 112(a), inserted "or conspires to or attempts to violate".

Subsec. (b)(1). Pub. L. 99-64, § 112(b)(1), in provisions preceding subpar. (A), substituted "Whoever willfully violates or conspires to or attempts to violate any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that the exports involved will be used for the benefit of, or that the destination or intended destination of the goods or technology involved is, any controlled country or any country to which exports are controlled for foreign policy purposes" for "Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any country to which exports are restricted for national security or foreign policy purposes".

Subsec. (b)(2). Pub. L. 99-64, § 112(b)(2), struck out sentence which provided that for purposes of this paragraph, "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

Subsec. (b)(3) to (5). Pub. L. 99-64, § 112(b)(3), added pars. (3) to (5).

Subsec. (c)(1). Pub. L. 99-64, § 112(c)(1), substituted "Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary)" for "head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof,".

Subsec. (c)(3), (4). Pub. L. 99-64, § 112((c)(2), added pars. (3) and (4).

Subsec. (e). Pub. L. 99-64, § 112(d), inserted ", or any amounts realized from the forfeiture of any property interest or proceeds pursuant to subsection (g)," after "Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c)", and inserted "imposed pursuant to subsection (c)" after "refund any such penalty".

Subsecs. (g), (h). Pub. L. 99-64, § 112(e)(2), added subsecs. (g) and (h). Former subsec. (g) redesignated (i).

Subsec. (i). Pub. L. 99-64, § 112(e)(1), (f), redesignated former subsec. (g) as (i) and substituted "(f), (g), or (h)" for "or (f)" in provisions preceding par. (1).

§ 2411. Enforcement

(a) General authority

(1) To the extent necessary or appropriate to the enforcement of this Act [sections 2401 to 2420 of this Appendix] or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949 [former sections 2021 to 2032 of this Appendix] or the Export Administration Act of 1969 [former sections 2401 to 2413 of this Appendix], the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations within the United States, and the Commissioner of Customs (and officers or employees of the United States Customs Service specifically designated by the Commissioner) may make such investigations outside of the United States, and the head of such department or agency (and such officers or employees) may obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, a district court of the United States, after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. In addition to the authority conferred by this paragraph, the Secretary (and officers or employees of the Department of Commerce designated by the Secretary) may conduct, outside the United States, pre-license investigations and post-shipment verifications of items licensed for export, and investigations in the en-

forcement of section 8 of this Act [section 2407 of this Appendix].

(2)(A) Subject to subparagraph (B) of this paragraph, the United States Customs Service is authorized, in the enforcement of this Act [sections 2401 to 2420 of this Appendix], to search, detain (after search), and seize goods or technology at those ports of entry or exit from the United States where officers of the Customs Service are authorized by law to conduct such searches, detentions, and seizures, and at those places outside the United States where the Customs Service, pursuant to agreements or other arrangements with other countries, is authorized to perform enforcement activities.

(B) An officer of the United States Customs Service may do the following in carrying out enforcement authority under this Act [sections 2401 to 2420 of this Appendix]:

(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act [sections 2401 to 2420 of this Appendix].

(ii) Search any package or container in which such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act [sections 2401 to 2420 of this Appendix].

(iii) Detain (after search) or seize and secure for trial any goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container, if such officer has probable cause to believe the goods or technology has been, is being, or is about to be exported from the United States in violation of this Act [sections 2401 to 2420 of this Appendix].

(iv) Make arrests without warrant for any violation of this Act [sections 2401 to 2420 of this Appendix] committed in his or her presence or view or if the officer has probable cause to believe that the person to be arrested has committed or is committing such a violation.

The arrest authority conferred by clause (iv) of this subparagraph is in addition to any arrest authority under other laws.

(3)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall have the responsibility for the enforcement of section 8 of this Act [section 2407 of this Appendix] and, in the enforcement of the other provisions of this Act [sections 2401 to 2420 of this Appendix], the Secretary is authorized to search, detain (after search), and seize goods or technology at those places within the United States other than those ports specified in paragraph (2)(A) of this subsection. The search, detention (after search), or seizure of goods or technology at those ports and places specified in paragraph (2)(A) may be conducted by officers or employees of the Department of Commerce designated by the Secretary with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

(B) The Secretary may designate any employee of the Office of Export Enforcement of the Department of Commerce to do the following in carrying out enforcement authority under this Act [sections 2401 to 2420 of this Appendix]:

(i) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act [sections 2401 to 2420 of this Appendix].

(ii) Make arrests without warrant for any violation of this Act [sections 2401 to 2420 of this Appendix] committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

(iii) Carry firearms in carrying out any activity described in clause (i) or (ii).

(4) The authorities first conferred by the Export Administration Amendments Act of 1985 under paragraph (3) shall be exercised pursuant to guidelines approved by the Attorney General. Such guidelines shall be issued not later than 120 days after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985].

(5) All cases involving violations of this Act [sections 2401 to 2420 of this Appendix] shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 11(c) of this Act [section 2410(c) of this Appendix], or to the Attorney General for criminal action in accordance with this Act [sections 2401 to 2420 of this Appendix].

(6) Notwithstanding any other provision of law, the United States Customs Service may expend in the enforcement of export controls under this Act [sections 2401 to 2420 of this Appendix] not more than $12,000,000 in the fiscal year 1985 and not more than $14,000,000 in the fiscal year 1986.

(7) Not later than 90 days after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], the Secretary, with the concurrence of the Secretary of the Treasury, shall publish in the Federal Register procedures setting forth, in accordance with this subsection, the responsibilities of the Department of Commerce and the United States Customs Service in the enforcement of this Act [sections 2401 to 2420 of this Appendix]. In addition, the Secretary, with the concurrence of the Secretary of the Treasury, may publish procedures for the sharing of information in accordance with subsection (c)(3) of this section, and procedures for the submission to the appropriate departments and agencies by private persons of information relating to the enforcement of this Act [sections 2401 to 2420 of this Appendix].

(8) For purposes of this section, a reference to the enforcement of this Act [sections 2401 to 2420 of this Appendix] or to a violation of this Act [sections 2401 to 2420 of this Appendix] includes a reference to the enforcement or a violation of any regulation, order, or license issued

under this Act [sections 2401 to 2420 of this Appendix].

[See main edition for text of (*b*)*]*

(c) Confidentiality

[See main edition for text of (*1*) *and* (*2*)*]*

(3) Any department or agency which obtains information which is relevant to the enforcement of this Act [sections 2401 to 2420 of this Appendix], including information pertaining to any investigation, shall furnish such information to each department or agency with enforcement responsibilities under this Act [sections 2401 to 2420 of this Appendix] to the extent consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities. The provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code; and return information, as defined in subsection (b) of section 6103 of the Internal Revenue Code of 1954 [26 U.S.C. 6103(b)], may be disclosed only as authorized by such section. The Secretary and the Commissioner of Customs, upon request, shall exchange any licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions. The Secretary, the Attorney General, and the Commissioner of Customs shall consult on a continuing basis with one another and with the heads of other departments and agencies which obtain information subject to this paragraph, in order to facilitate the exchange of such information.

[See main edition for text of (*d*) *and* (*e*)*]*

(As amended Pub. L. 99-64, title I, § 113, July 12, 1985, 99 Stat. 148.)

References in Text

The Export Administration Amendments Act of 1985, referred to in subsec. (a)(4), is titles I and II of Pub. L. 99-64, July 12, 1985, 99 Stat. 120, which, among other amendments, enacted par. (3) of subsec. (a) of this section. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 2401 of this Appendix and Tables.

Amendments

1985—Subsec. (a)(1). Pub. L. 99-64, § 113(a), designated existing provisions of subsec. (a) as par. (1), substituted "such investigations within the United States, and the Commissioner of Customs (and officers or employees of the United States Customs Service specifically designated by the Commissioner) may make such investigations outside of the United States, and the head of such department or agency (and such officers or employees) may" for "such investigations and", and "a district court of the United States," for "the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and", and added sentence providing that in addition to the authority conferred by this paragraph, the Secretary (and officers or employees of the Department of Commerce designated by the Secretary) may conduct, outside the United States, pre-license investigations and post-shipment verifications of items licensed for export, and investigations in the enforcement of section 8 of this Act.

Subsec. (a)(2) to (8). Pub. L. 99-64, § 113(a)(5), added pars. (2) to (8).

Subsec. (c)(3). Pub. L. 99-64, § 113, substituted "Any department or agency which obtains information which is relevant to the enforcement of this Act, including information pertaining to any investigation, shall furnish such information to each department or agency" for "Departments or agencies which obtain information which is relevant to the enforcement of this Act shall furnish such information to the department or agency", and added sentences providing that the Secretary and the Commissioner of Customs, upon request, shall exchange any licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions and that the Secretary, the Attorney General, and the Commissioner of Customs shall consult on a continuing basis with one another and with the heads of other departments and agencies which obtain information subject to this paragraph, in order to facilitate the exchange of such information.

Section Referred to in Other Sections

This section is referred to in sections 2403, 2404, 2405, 2412, 2413 of this title; title 22 section 2778; title 42 section 6274.

§ 2412. Administrative procedure and judicial review

(a) Exemption

Except as provided in section 11(c)(2) [section 2410(c)(2) of this Appendix] and subsection (c) of this section, the functions exercised under this Act [sections 2401 to 2420 of this Appendix] are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

[See main edition for text of (*b*)*]*

(c) Procedures relating to civil penalties and sanctions

(1) In any case in which a civil penalty or other civil sanction (other than a temporary denial order or a penalty or sanction for a violation of section 8 [section 2407 of this Appendix]) is sought under section 11 of this Act [section 2410 of this Appendix], the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Subject to the provisions of this subsection, any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code. With the approval of the administrative law judge, the Government may present evidence in camera in the presence of the charged party or his or her representative. After the hearing, the administrative law judge shall make findings of fact and conclusions of law in a written decision, which shall be referred to the Secretary. The Secretary shall, in a written order, affirm, modify, or vacate the decision of the administrative law judge within 30 days after receiving the decision. The order of the Secretary shall be final and is not subject to judicial review.

(2) The proceedings described in paragraph (1) shall be concluded within a period of 1 year after the complaint is submitted, unless the administrative law judge extends such period for good cause shown.

(3) An administrative law judge referred to in this subsection shall be appointed by the Secretary from among those considered qualified for

selection and appointment under section 3105 of title 5, United States Code. Any person who, for at least 2 of the 10 years immediately preceding the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], has served as a hearing commissioner of the Department of Commerce shall be included among those considered as qualified for selection and appointment to such position.

(d) Imposition of temporary denial orders

(1) In any case in which it is necessary, in the public interest, to prevent an imminent violation of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix], the Secretary may, without a hearing, issue an order temporarily denying United States export privileges (hereinafter in this subsection referred to as a "temporary denial order") to a person. A temporary denial order may be effective no longer than 60 days unless renewed in writing by the Secretary for additional 60-day periods in order to prevent such an imminent violation, except that a temporary denial order may be renewed only after notice and an opportunity for a hearing is provided.

(2) A temporary denial order shall define the imminent violation and state why the temporary denial order was granted without a hearing. The person or persons subject to the issuance or renewal of a temporary denial order may file an appeal of the issuance or renewal of the temporary denial order with an administrative law judge who shall, within 10 working days after the appeal is filed, recommend that the temporary denial order be affirmed, modified, or vacated. Parties may submit briefs and other material to the judge. The recommendation of the administrative law judge shall be submitted to the Secretary who shall either accept, reject, or modify the recommendation by written order within 5 working days after receiving the recommendation. The written order of the Secretary under the preceding sentence shall be final and is not subject to judicial review. The temporary denial order shall be affirmed only if it is reasonable to believe that the order is required in the public interest to prevent an imminent violation of this Act [sections 2401 to 2420 of this Appendix] or any regulation, order, or license issued under this Act [sections 2401 to 2420 of this Appendix].

(e) Appeals from license denials

A determination of the Secretary, under section 10(f) of this Act [section 2409(f) of this Appendix], to deny a license may be appealed by the applicant to an administrative law judge who shall have the authority to conduct proceedings to determine only whether the item sought to be exported is in fact on the control list. Such proceedings shall be conducted within 90 days after the appeal is filed. Any determination by an administrative law judge under this subsection and all materials filed before such judge in the proceedings shall be reviewed by the Secretary, who shall either affirm or vacate the determination in a written decision within 30 days after receiving the determination. The Secretary's written decision shall be final and is not subject to judicial review. Subject to the limitations provided in section 12(c) of this Act [section 2411(c) of this Appendix], the Secretary's decision shall be published in the Federal Register.

(As amended Pub. L. 99-64, title I, § 114, July 12, 1985, 99 Stat. 150.)

AMENDMENTS

1985—Pub. L. 99-64, § 114(1), struck out "Exemption from certain provisions relating to" in section catchline.

Subsec. (a). Pub. L. 99-64, § 114(2), inserted "and subsection (c) of this section".

Subsecs. (c) to (e). Pub. L. 99-64, § 114(3), added subsecs. (c) to (e).

§ 2413. Annual report

(a) Contents

Not later than December 31 of each year, the Secretary shall submit to the Congress a report on the administration of this Act [sections 2401 to 2420 of this Appendix] during the preceding fiscal year. All agencies shall cooperate fully with the Secretary in providing information for such report. Such report shall include detailed information with respect to—

[*See main edition for text of* (1) *to* (14)]

(15) organizational and procedural changes undertaken in furtherance of the policies set forth in this Act [sections 2401 to 2420 of this Appendix], including changes to increase the efficiency of the export licensing process and to fulfill the requirements of section 10 [section 2409 of this Appendix], including an accounting of appeals received, court orders issued, and actions taken pursuant thereto under subsection (j) of such section;

[*See main edition for text of* (16) *to* (20); (b) *and* (c)]

(d) Report on exports to controlled countries

The Secretary shall include in each annual report a detailed report which lists every license for exports to controlled countries which was approved under this Act [sections 2401 to 2420 of this Appendix] during the preceding fiscal year. Such report shall specify to whom the license was granted, the type of goods or technology exported, and the country receiving the goods or technology. The information required by this subsection shall be subject to the provisions of section 12(c) of this Act [section 2411(c) of this Appendix].

(e) Report on domestic economic impact of exports to controlled countries

The Secretary shall include in each annual report a detailed description of the extent of injury to United States industry and the extent of job displacement caused by United States exports of goods and technology to controlled countries. The annual report shall also include a full analysis of the consequences of exports of turnkey plants and manufacturing facilities to controlled countries which are used by such countries to produce goods for export to the

United States or to compete with United States products in export markets.

(As amended Pub. L. 99-64, title I, § 115, July 12, 1985, 99 Stat. 152.)

AMENDMENTS

1985—Subsec. (a)(15). Pub. L. 99-64, § 115(a), struck out "an analysis of the time required to process license applications, the number and disposition of export license applications taking more than 30 days to process, and" after "requirements of section 10, including".

Subsecs. (d), (e). Pub. L. 99-64, § 115(b), added subsecs. (d) and (e).

§ 2414. Administrative and regulatory authority

(a) Under Secretary of Commerce

The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this Act [sections 2401 to 2420 of this Appendix] which were delegated to the office of the Assistant Secretary of Commerce for Trade Administration before the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], and such other functions under this Act [sections 2401 to 2420 of this Appendix] which were delegated to such office before such date of enactment, as the Secretary may delegate. The President shall appoint, by and with the advice and consent of the Senate, two Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions.

(b) Issuance of regulations

The President and the Secretary may issue such regulations as are necessary to carry out the provisions of this Act [sections 2401 to 2420 of this Appendix]. Any such regulations issued to carry out the provisions of section 5(a), 6(a), 7(a), or 8(b) [section 2404(a), 2405(a), 2406(a), or 2407(b) of this Appendix] may apply to the financing, transporting, or other servicing of exports and the participation therein by any person. Any such regulations the purpose of which is to carry out the provisions of section 5 [section 2404 of this Appendix], or of section 4(a) [section 2403(a) of this Appendix] for the purpose of administering the provisions of section 5 [section 2404 of this Appendix], may be issued only after the regulations are submitted for review to the Secretary of Defense, the Secretary of State, and such other departments and agencies as the Secretary considers appropriate. The preceding sentence does not require the concurrence or approval of any official, department, or agency to which such regulations are submitted.

(c) Amendments to regulations

If the Secretary proposes to amend regulations issued under this Act [sections 2401 to 2420 of this Appendix], the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the technical advisory committees authorized under section 5(h) of this Act [section 2404(h) of this Appendix] in formulating or amending regulations issued under this Act [sections 2401 to 2420 of this Appendix]. The procedures defined by regulations in effect on January 1, 1984, with respect to sections 4 and 5 of this Act [sections 2403 and 2404 of this Appendix], shall remain in effect unless the Secretary determines, on the basis of substantial and reliable evidence, that specific change is necessary to enhance the prevention of diversions of exports which would prove detrimental to the national security of the United States or to reduce the licensing and paperwork burden on exporters and their distributors.

(As amended Pub. L. 99-64, title I, § 116(a), July 12, 1985, 99 Stat. 152.)

AMENDMENTS

1985—Pub. L. 99-64 substituted "Administrative and regulatory authority" for "Regulatory authority" as the section catchline, and amended the text generally. Prior to amendment, section read as follows: "The President and the Secretary may issue such regulations as are necessary to carry out the provisions of this Act. Any such regulations issued to carry out the provisions of section 5(a), 6(a), 7(a), or 8(b) may apply to the financing, transporting, or other servicing of exports and the participation therein by any person."

EFFECTIVE DATE OF 1985 AMENDMENT

Subsec. (a) of this section effective Oct. 1, 1986, see section 116(d) of Pub. L. 99-64, set out as a note under section 5314 of Title 5, Government Organization and Employees.

SPENDING AUTHORITY UNDER 1985 AMENDMENT

Section 116(e) of Pub. L. 99-64 provided that: "Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this section [amending this section and sections 5314 and 5315 of Title 5, Government Organization and Employees] shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts."

§ 2415. Definitions

As used in this Act [sections 2401 to 2420 of this Appendix]—

[See main edition for text of (1) and (2)]

(3) the term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data;

(4) the term "technology" means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;

(5) the term "export" means—

(A) an actual shipment, transfer, or transmission of goods or technology out of the United States;

(B) a transfer of goods or technology in the United States to an embassy or affiliate of a controlled country; or

(C) a transfer to any person of goods or technology either within the United States or outside of the United States with the knowledge or intent that the goods or technology will be shipped, transferred, or transmitted to an unauthorized recipient;

(6) the term "controlled country" means a controlled country under section 5(b)(1) of this Act [section 2404(b)(1) of this Appendix];

(7) the term "United States" means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States, and includes the outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

(8) the term "Secretary" means the Secretary of Commerce.

(As amended Pub. L. 99-64, title I, § 117, July 12, 1985, 99 Stat. 153.)

Amendments

1985—Par. (3). Pub. L. 99-64, § 117(1), inserted "natural or manmade substance,".

Par. (4). Pub. L. 99-64, § 117(2), amended par. (4) generally, substituting "the term 'technology' means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;" for "the information and knowhow that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves; and".

Pars. (5) to (8). Pub. L. 99-64, § 117(3), (4), added pars. (5) to (7) and redesignated former par. (5) as (8).

§ 2416. Effect on other Acts

(a) In general

Except as otherwise provided in this Act [sections 2401 to 2420 of this Appendix], nothing contained in this Act [sections 2401 to 2420 of this Appendix] shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

[*See main edition for text of* (*b*)]

(c) Civil aircraft equipment

Notwithstanding any other provision of law, any product (1) which is standard equipment, certified by the Federal Aviation Administration, in civil aircraft and is an integral part of such aircraft, and (2) which is to be exported to a country other than a controlled country, shall be subject to export controls exclusively under this Act [sections 2401 to 2420 of this Appendix]. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act [22 U.S.C. 2778(b)(2)].

[*See main edition for text of* (*d*) *and* (*e*)]

(f) Agricultural Act of 1970

Nothing in this Act [sections 2401 to 2420 of this Appendix] shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).

(As amended Pub. L. 99-64, title I, § 118, July 12, 1985, 99 Stat. 154.)

Amendments

1985—Subsec. (a). Pub. L. 99-64, § 118(a)(1), substituted "Except as otherwise provided in this Act, nothing" for "Nothing".

Subsec. (c). Pub. L. 99-64, § 118(a)(2), struck out sentence which provided that for purposes of this subsection the term "controlled country" meant any country described in section 620(f) of the Foreign Assitance Act of 1961.

Subsec. (f). Pub. L. 99-64, § 118(b), added subsec. (f).

§ 2417. Authorization of appropriations

(a) Requirement of authorizing legislation

(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act [sections 2401 to 2420 of this Appendix] may be obligated or expended only if—

(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985]; or

(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act [sections 2401 to 2420 of this Appendix] authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985] which specifically repeals, modifies, or supersedes the provisions of this subsection.

(b) Authorization

There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act [sections 2401 to 2420 of this Appendix]—

(1) $24,600,000 for the fiscal year 1985, of which $8,712,000 shall be available only for enforcement, $1,851,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act [section 2404(f) and (h)(6) of this Appendix], and $14,037,000 shall be available for all other activities under this Act [sections 2401 to 2420 of this Appendix];

(2) $29,382,000 for the fiscal year 1986, of which $9,243,000 shall be available only for enforcement, $2,000,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act [section 2404(f) and (h)(6) of this

Appendix], and $18,139,000 shall be available for all other activities under this Act [sections 2401 to 2420 of this Appendix]; and

(3) such additional amounts for each of the fiscal years 1985 and 1986 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

(As amended Pub. L. 99-64, title I, § 119, July 12, 1985, 99 Stat. 154.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-64, § 119, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act unless previously and specifically authorized by law."

Subsec. (b). Pub. L. 99-64, § 119, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $9,659,000 for each of the fiscal years 1982 and 1983; and

"(2) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs."

§ 2419. Termination date

The authority granted by this Act [sections 2401 to 2420 of this Appendix] terminates on September 30, 1989.

(Pub. L. 96-72, § 20, Sept. 29, 1979, 93 Stat. 535; Pub. L. 98-108, § 1, Oct. 1, 1983, 97 Stat. 744; Pub. L. 98-207, Dec. 5, 1983, 97 Stat. 1391; Pub. L. 98-222, Feb. 29, 1984, 98 Stat. 36; Pub. L. 99-64, title I, § 120, July 12, 1985, 99 Stat. 155.)

AMENDMENTS

1985—Pub. L. 99-64 amended section generally, substituting "September 30, 1989" for "March 30, 1984, or upon any prior date which the President by proclamation may designate."

1984—Pub. L. 98-222 substituted "March 30" for "February 29".

1983—Pub. L. 98-207 substituted "February 29, 1984" for "October 14, 1983".

Pub. L. 98-108 substituted "October 14, 1983" for "September 30, 1983".

CONTINUATION OF EXPORT CONTROL REGULATIONS

Ex. Ord. No. 12444, Oct. 14, 1983, 48 F.R. 48215, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401-2420, and of orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, set out under section 1701 of Title 50, War and National Defense.

Ex. Ord. No. 12470, Mar. 30, 1984, 49 F.R. 13099, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, set out under section 1701 of Title 50.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2406 of this Appendix.

ACTS CITED BY POPULAR NAME

The references within the parentheses indicate the classifications of Acts of Congress to the United States Code by Code title and section. The word "See", preceding the Code title and section, indicates that the Act of Congress has been repealed (in whole or in part) and that certain provisions thereof have been restated in that Code title and section. In some instances, Code classifications may not be indicated for Acts of Congress that have been repealed or superseded or are obsolete. For complete chronological listing of Acts of Congress that have been classified to the Code together with their Code classifications and current status, see Tables II and III in the Tables volume.

Act for the Prevention and Punishment of the Crime of Hostage-Taking

Pub. L. 98-473, title II, §§ 2001-2003, Oct. 12, 1984, 98 Stat. 2186 (Title 18, §§ 1201 note, 1203)

Act to Prevent Pollution from Ships

Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297 (Title 16, § 742c; Title 33, §§ 1001-1011, 1013-1016, 1321, 1901-1911; See Title 46, §§ 2101, 2301, 3303, 3702)

Adoption Assistance and Child Welfare Act of 1980

Pub. L. 98-118, § 3, Oct. 11, 1983, 97 Stat. 803 (Title 42, § 672 note)

Pub. L. 98-617, § 4(c), Nov. 8, 1984, 98 Stat. 3297 (Title 42, § 672 note)

Adult Education Act

Pub. L. 98-511, title I, §§ 101-109(a), 110-112, title V, § 513(d), Oct. 19, 1984, 98 Stat. 2366-2369, 2400 (Title 20, §§ 1201-1207a, 1208a, 1208b, 1209, 1210, 1211, 1211a, 1211c)

Pub. L. 98-524, § 4(d), Oct. 19, 1984, 98 Stat. 2488 (Title 20, §§ 1205, 1211c)

African Development Foundation Act

Pub. L. 99-83, title VIII, § 810, Aug. 8, 1985, 99 Stat. 264 (Title 22, §§ 290h-8, 290h-9)

African Development Fund Act

Pub. L. 98-181, title X, § 1003, Nov. 30, 1983, 97 Stat. 1286 (Title 22, § 290g-12)

Pub. L. 99-190, § 101(i) [title I, § 101(a)], Dec. 19, 1985, 99 Stat. 1291, 1294 (Title 22, § 290g-13)

African Famine Relief and Recovery Act of 1985

Pub. L. 99-8, Apr. 2, 1985, 99 Stat. 21 (Title 22, §§ 2292q, 2292q note)

Age Discrimination in Employment Act of 1967

Pub. L. 98-369, title III, § 2301(b), July 18, 1984, 98 Stat. 1063 (Title 29, § 623)

Pub. L. 98-459, title VIII, § 802(a), (b)(1), (c)(1), Oct. 9, 1984, 98 Stat. 1792 (Title 29, §§ 623, 630, 631)

Agricultural Act of 1949

July 25, 1983, Pub. L. 98-59, § 1, 97 Stat. 296 (Title 7, § 1445)

Aug. 26, 1983, Pub. L. 98-88, §§ 2, 4, 5, 97 Stat. 494, 499 (Title 7, §§ 1427, 1441, 1444)

Sept. 29, 1983, Pub. L. 98-100, § 1(a), (b), 97 Stat. 718 (Title 7, §§ 1444d, 1445b-1)

Nov. 29, 1983, Pub. L. 98-180, title I, § 102, title II, §§ 202-204, 97 Stat. 1128, 1144, 1145 (Title 7, §§ 1445, 1445-1, 1445-2, 1446)

Apr. 10, 1984, Pub. L. 98-258, title I, §§ 101, 102, 103, title II, §§ 201-203, title III, §§ 301, 302, title IV, §§ 401, 402, title V, § 502, 98 Stat. 130-137 (Title 7, §§ 1421 note, 1431, 1441, 1444, 1444d, 1445b-1)

Aug. 8, 1985, Pub. L. 99-83, title X, § 1007, 99 Stat. 271 (Title 7, § 1431)

Oct. 1, 1985, Pub. L. 99-114, §§ 1, 3, 99 Stat. 488 (Title 7, §§ 1444, 1446)

Nov. 15, 1985, Pub. L. 99-157, §§ 1, 6, 99 Stat. 818 (Title 7, §§ 1445, 1445-2, 1446)

Dec. 13, 1985, Pub. L. 99-182, § 1, 99 Stat. 1173 (Title 7, § 1446)

Dec. 23, 1985, Pub. L. 99-198, title I, §§ 101(a)-(e), 151, title III, § 308, title IV, § 401, title V, §§ 501, 503, 507, title VI, §§ 601, 602, title VII, §§ 705, 707, title VIII, § 801, title IX, §§ 901, 903(a), title X, §§ 1002-1008, 1011, 1012, 1015, 1016, 1018, 1024, 1031, 1041, title XI, §§ 1109, 1129, title XVII, § 1763(b), 99 Stat. 1362-1365, 1377, 1383, 1395, 1407, 1418, 1419, 1427, 1439, 1441, 1443, 1444, 1446-1452, 1454, 1455, 1457, 1459, 1460-1464, 1467, 1486, 1651 (Title 7, §§ 1421, 1425, 1426, 1427, 1428, 1431, 1433b, 1433c, 1441, 1441-1, 1444, 1444e, 1445b-2, 1445b-3, 1445b-4, 1445b-5, 1445c-2, 1445d, 1445e, 1445h, 1446, 1461-1469)

Agricultural Act of 1970

Pub. L. 99-198, title XIII, § 1318(b)(2), Dec. 23, 1985, 99 Stat. 1531 (Title 16, § 1501)

Agricultural Adjustment Act

Nov. 29, 1983, Pub. L. 98-180, title III, § 304, 97 Stat. 1151 (Title 7, § 608c)

Dec. 23, 1985, Pub. L. 99-198, title I, §§ 131, 133, title XVI, §§ 1661(a), 1662(a), 1663, 99 Stat. 1372, 1373, 1630, 1631 (Title 7, §§ 608c, 608d)

Agricultural Adjustment Act of 1938

July 25, 1983, Pub. L. 98-59, § 2, 97 Stat. 296 (Title 7, § 1314e)

Aug. 26, 1983, Pub. L. 98-88, § 2, 97 Stat. 494 (Title 7, § 1347)

Nov. 29, 1983, Pub. L. 98-180, title II, §§ 205-212, 97 Stat. 1145-1149 (Title 7, §§ 1314b, 1314b-1, 1314b-2, 1314c-1314e, 1379)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(6), 98 Stat. 3357 (Title 7, § 1366)

July 11, 1985, Pub. L. 99-63, 99 Stat. 119 (Title 7, § 1336)

Nov. 15, 1985, Pub. L. 99-157, §§ 4, 5, 99 Stat. 818 (Title 7, §§ 1343, 1358)

Dec. 13, 1985, Pub. L. 99-182, § 4, 99 Stat. 1173 (Title 7, § 1314c)

Dec. 23, 1985, Pub. L. 99-198, title III, §§ 302-307, title V, § 505, title VII, §§ 702-704, 706, title X, §§ 1017(a), 1020, title XVII, § 1713(a), (b), 99 Stat. 1378-1382, 1418, 1430-1435, 1441, 1459, 1636 (Title 7, §§ 1301, 1332-1336, 1338, 1358, 1358a, 1359, 1373, 1374, 1385, 1388)

Agricultural Extension Work Acts

Dec. 23, 1985, Pub. L. 99-198, title XIV, § 1435(a), (b), 99 Stat. 1557 (Title 7, §§ 342, 343)

Agricultural Marketing Act of 1946

Aug. 28, 1984, Pub. L. 98-403, § 2, 98 Stat. 1480 (Title 7, § 1622)

Oct. 4, 1984, Pub. L. 98-443, § 9(j), 98 Stat. 1708 (Title 7, § 1622)

Agricultural Marketing Agreement Act of 1937

Nov. 29, 1983, Pub. L. 98-171, § 1, 97 Stat. 1117 (Title 7, § 608c)

Agricultural Programs Adjustment Act of 1984

Pub. L. 98-258, Apr. 10, 1984, 98 Stat. 130 (Title 7, §§ 1421 note, 1431, 1441, 1444, 1444d, 1445b-1, 1921 note, 1943, 1946, 1961, 1964, 1981 note, 1981b, 1986, 1994)

Pub. L. 99-198, title XII, § 1254, Dec. 23, 1985, 99 Stat. 1517 (Title 7, § 1981 note)

Agricultural Trade and Export Policy Commission Act

Pub. L. 98-412, Aug. 30, 1984, 98 Stat. 1576 (Title 7, § 1691 note)

Agricultural Trade Development and Assistance Act of 1954

Oct. 12, 1984, Pub. L. 98-473, title III, § 305, 98 Stat. 2195 (Title 7, § 1723)

Nov. 8, 1984, Pub. L. 98-623, title IV, § 405(b), 98 Stat. 3409 (Title 7, § 1732)

Aug. 8, 1985, Pub. L. 98-83, title X, §§ 1002-1006, 99 Stat. 270, 271 (Title 7, §§ 1721, 1722, 1727a, 1736b)

Dec. 23, 1985, Pub. L. 99-198, title XI, §§ 1101-1104(a), 1105, 1108, 1111(a), (c)-(h), 1112(a), 1167(c), 99 Stat. 1465-1467, 1474-1476, 1478, 1503 (Title 7, §§ 1691, 1701, 1703, 1705, 1706, 1708, 1709, 1721, 1724, 1726, 1726a, 1727, 1727a, 1727g, 1736c)

Agriculture and Consumer Protection Act of 1973

Pub. L. 98-8, title II, § 207, Mar. 24, 1983, 97 Stat. 36 (Title 7, § 612c note)

Pub. L. 98-92, § 3, Sept. 2, 1983, 97 Stat. 612 (Title 7, § 612c note)

Pub. L. 99-198, title XV, § 1562(a)-(c), (e), Dec. 23, 1985, 99 Stat. 1590 (Title 7, § 612c note)

Agriculture and Food Act of 1981

Pub. L. 98-88, § 6, Aug. 26, 1983, 97 Stat. 499 (Title 7, § 1308)

Pub. L. 98-412, Aug. 30, 1984, 98 Stat. 1576 (Title 7, § 1691 note)

Pub. L. 99-198, title I, § 132, title X, § 1023, title XI, §§ 1126(c), 1133(b), title XV, § 1567(a), (b), title XVII, § 1769, Dec. 23, 1985, 99 Stat. 1373, 1460, 1482, 1489, 1591, 1592, 1656 (Title 7, §§ 608c note, 1431e, 1736j, 1736m, 2242a, 4102, 4110)

Aircraft Sabotage Act

Pub. L. 98-473, title II, §§ 2011-2015, Oct. 12, 1984, 98 Stat. 2187 (Title 18, §§ 31, 32; Title 49 App., §§ 1301, 1471, 1472)

Alaska National Interest Lands Conservation Act

Pub. L. 98-620, title IV, § 402(22), Nov. 8, 1984, 98 Stat. 3358 (Title 16, §§ 3117, 3168)

Alaska Native Claims Settlement Act

Pub. L. 99-96, § 1, Sept. 25, 1985, 99 Stat. 460 (Title 43, §§ 1629, 1629a)

Alaska Natural Gas Transportation Act of 1976

Pub. L. 98-620, title IV, § 402(16), Nov. 8, 1984, 98 Stat. 3358 (Title 15, § 719h)

Alaska Railroad Acts

Mar. 12, 1914, ch. 37, 38 Stat. 305 (Title 43, §§ 975-975g)

Nov. 18, 1921, ch. 128, 42 Stat. 221

Apr. 10, 1926, ch. 114, 44 Stat. 239 (Title 43, § 975)

Mar. 29, 1940, ch. 74, 54 Stat. 80 (Title 16, § 353a)

Aug. 4, 1955, ch. 554, 69 Stat. 494 (Title 43, § 975)

Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792 (Title 43, § 975b)

Oct. 10, 1980, Pub. L. 96-423, § 15, 94 Stat. 1817 (Title 43, § 975)

Jan. 14, 1983, Pub. L. 97-468, title VI, § 615(a)(1), 96 Stat. 2577 (Title 16, § 353a; Title 43, §§ 975, 975a, 975c-975g)

Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984

Pub. L. 98-509, Oct. 19, 1984, 98 Stat. 2353 (Title 21, § 802; Title 42, §§ 201 note, 218, 290aa, 290aa-1 to 290aa-3, 290bb, 290bb-1a, 290bb-2, 290cc, 290cc-1, 290cc-2, 290dd, 290dd-1, 300x, 300x-1, 300x-1a, 300x-2 to 300x-9)

Alcohol and Drug Abuse Amendments of 1983

Pub. L. 98-24, Apr. 26, 1983, 97 Stat. 175 (Title 21, §§ 1117, 1165, 1172, 1177, 1194; Title 42, §§ 201 note, 218, 242 note, 278, 278*l*-4, 289*l*-4, 290aa, 290aa notes, 290aa-1 to 290aa-5, 290bb, 290bb-1, 290bb-2, 290cc, 290dd, 290dd-1 to 290dd-3, 290ee-1 to 290ee-3, 300aa to 300aa-14, 4541 note, 4552, 4553, 4577, 4856)

Alcohol and Drug Abuse Amendments of 1983—Continued
Pub. L. 98-509, title III, § 301(c), Oct. 19, 1984, 98 Stat. 2364 (Title 42, §§ 290aa, 290dd, 290dd-1)

Alternative Mortgage Transaction Parity Act of 1982
Pub. L. 98-181, title IV, § 472, Nov. 30, 1983, 97 Stat. 1237 (Title 12, § 3804)

American Fisheries Promotion Act
Pub. L. 98-44, title I, § 103(b), July 12, 1983, 97 Stat. 216 (Title 16, § 742c note)
Pub. L. 98-498, title IV, § 431, Oct. 19, 1984, 98 Stat. 2310 (Title 16, § 742c note)

American Folklife Preservation Act
Pub. L. 98-392, Aug. 21, 1984, 84 Stat. 1362 (Title 20, § 2107; Title 40, § 214b)

Anadromous Fish Conservation Act
Pub. L. 98-44, title I, § 104, July 12, 1983, 97 Stat. 216 (Title 16, § 757a)
Pub. L. 98-146, title I, § 100, Nov. 4, 1983, 97 Stat. 922 (Title 16, § 757e)
Pub. L. 98-613, § 10(a), Oct. 31, 1984, 98 Stat. 3190 (Title 16, § 757g)

Animal Welfare Act
Pub. L. 98-443, § 9(i), Oct. 4, 1984, 98 Stat. 1708 (Title 7, § 2145)
Pub. L. 99-198, title XVII, §§ 1752-1756(a), 1757, 1758, Dec. 23, 1985, 99 Stat. 1645-1650 (Title 7, §§ 2132, 2143, 2144, 2145, 2146, 2149, 2157)

Antartic Marine Living Resources Convention Act of 1984
Pub. L. 98-623, title III, §§ 301-315, Nov. 8, 1984, 98 Stat. 3398 (Title 16, §§ 2431-2444)

Appalachian Regional Development Act of 1965
Pub. L. 98-524, § 4(e), Oct. 19, 1984, 98 Stat. 2489 (Title 40 App., §§ 211, 214)

Arctic Research and Policy Act of 1984
Pub. L. 98-373, July 31, 1984, 98 Stat. 1242 (Title 15, §§ 4101-4111)

Arizona Wilderness Act of 1984
Pub. L. 98-406, Aug. 28, 1984, 98 Stat. 1485 (Title 16, §§ 1132 note, 1274)

Arkansas Wilderness Act of 1984
Pub. L. 98-508, Oct. 19, 1984, 98 Stat. 2349 (Title 16, § 1132 note)

Armed Career Criminal Act of 1984
Pub. L. 98-473, title II, §§ 1801-1803, Oct. 12, 1984, 98 Stat. 2185 (Title 18 App., §§ 1201, 1202)

Armed Forces
May 27, 1983, Pub. L. 98-36, §§ 2(a), 3, 97 Stat. 200, 201 (Title 10, §§ 178, 2113)
Sept. 24, 1983, Pub. L. 98-94, title III, § 305, title IV, § 403, title V, § 503, title IX, §§ 911-913, 921, 922(a)(1)-(14), 923(a)(1)-(c)(4), 924, 925, 931, 932(a)(1)-(c)(2), 933-935, 941(a)(1)-(3), 1002, 1003(a)(1)-(3), (b)(1), (c)(1), 1004, 1005, 1007, 1012, 1014-1018, 1021-1023, 1031, 1032, 1202-1204, 1211-1213, 1217, 1219, 1253, 1259, 1266, 1268, 97 Stat. 628, 629, 631, 639-642, 644, 648-652, 655-657, 660, 661, 664, 666-671, 679-687, 690, 691, 699, 703-705 (Title 10, §§ 136, 136a, 139b, 139c, 140, 140c, 171, 175, 269, 505, 511, 517, 520, 524, 533, 651, 673, 675, 688, 701, 716, 973, 1036, 1040, 1043, 1074a, 1079, 1081, 1085, 1086, 1089, 1090-1092, 1126, 1174, 1331, 1401, 1401a, 1402, 1402a, 1437, 1447, 1448, 1450, 1451, 1489, 1490, 1587, 1588, 2005, 2101, 2104, 2107, 2116, 2120, 2121, 2134, 2208, 2310, 2401, 2546, 3013, 3353, 3359, 3360, 3380, 3853, 3991, 3992, 4022, 4342, 4344, 4345, 5034, 5600, 5721, 6151, 6328, 6330, 6383, 6404, 6954, 6957, 7227, 7572, 8353, 8359, 8380, 8853, 8991, 8992, 9022, 9342, 9344, 9345)
Oct. 11, 1983, Pub. L. 98-115, title VII, §§ 702, 801, 804, 807, 808, 97 Stat. 782, 785, 786, 789 (Title 10, §§ 2233a, 2391, 2667a, 2807, 2828)
Oct. 17, 1983, Pub. L. 98-132, § 2(a)(1), (2), (b), 97 Stat. 849 (Title 10, §§ 178, 2113)
Dec. 6, 1983, Pub. L. 98-209, §§ 2-7(e)(1), 8, 9(a), 10(c), 11, 13, 97 Stat. 1393-1408 (Title 10, §§ 801, 802, 806, 815, 816, 825-827, 829, 834, 838, 842, 849, 854, 857, 860-867, 869-871, 876a, 912a, 1552, 1553)
Dec. 9, 1983, Pub. L. 98-215, title V, § 501, 97 Stat. 1478 (Title 10, § 192)
July 18, 1984, Pub. L. 98-369, title VII, §§ 2721-2723(b), 2724-2727, 98 Stat. 1185-1195 (Title 10, §§ 2301-2306, 2310, 2311, 2313, 2356)
Aug. 28, 1984, Pub. L. 98-407, title VII, §§ 702, 703, 801-806(a), 807-810, 98 Stat. 1517-1523 (Title 10, §§ 2233a, 2483, 2665, 2676, 2677, 2691, 2692, 2775, 2828, 2853, 2855)
Oct. 4, 1984, Pub. L. 98-443, § 9(k), 98 Stat. 1708 (Title 10, §§ 4746, 9746)
Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h), 98 Stat. 1941 (Title 10, § 7309)
Oct. 19, 1984, Pub. L. 98-498, title III, § 320(a)(2), 98 Stat. 2308 (Title 10, § 1174)
Oct. 19, 1984, Pub. L. 98-525, title III, § 305, title IV, §§ 413(a), (b), 414(a)(1)-(4)(B)(i), (5)-(7), 422, title V, §§ 512-515, 521(a), (b), 522-524(b)(1), 525-529, 533(a)-(f)(1), 541(a)-(c), 542, 543(a), 553(a), title VI, §§ 602(d)(3), 603(a), 611, 614(a), 631(a)(1), (b), 632(a)(1), (2), 633(a), 641(a), 642, 643(a)-(e), 644, 645(a), (b), 651(a), 654(a), title VII, §§ 705(a)(1), 706(a)(1), 707(a)(1), 708(a)(1), 709, title X, § 1005(a), title XII, §§ 1211-1213(a), 1214-1216(a), 1231(a), 1233(a), 1234(a), 1241(a)(1), 1242, title XIII, §§ 1301(a)-(d)(1), 1306, title XIV, §§ 1401(a)(1), (b)(1), (c)(1), (d)(1), (3)(A), (e)(1), (2)(A), (3)-(5)(A), (f)(1), (g)(1), (h), (i)(1), (j)(1), (3)(A), (B), 1405(1)-(7)(A), (B), (8)-(19)(B)(i), (20)-(42)(A), (43)-(57), title XV, §§ 1532(a)(1), 1533(a), (b)(1), 1534, 1535, 1538(a)(1), 98 Stat. 2513, 2517-2526, 2528-2530, 2532, 2536-2538, 2540, 2542-2545, 2547-2549, 2551, 2564, 2568, 2571, 2572, 2578, 2589-2593, 2599, 2600, 2601, 2605, 2606, 2611, 2613-2626, 2631-2633, 2636 (Title 10, §§ 101, 124, 125, 138, 139, 139a, 139b, 142, 143, 175, 177, 191, 264, 280, 374, 378, 517, 520b, 522, 523, 524, 601, 618, 619, 624, 628, 630, 631, 633-637,

Armed Forces—Continued

641, 645, 646, 673, 680, 701, 708, 717, 956, 976, 979, 980, 981, 1005, 1034, 1035, 1040, 1044-1050, 1072, 1074, 1074a, 1074b, 1077, 1079, 1086, 1087, 1093, 1127, 1181, 1216, 1401, 1408, 1437, 1440, 1450, 1451, 1464, 1465, 1586, 1589, 2002, 2006-2009, 2031, 2104, 2107, 2114, 2127, 2131-2138, 2141 note, 2208, 2233, 2302, 2303a, 2305, 2311, 2317-2323, 2381, 2384, 2384a, 2388, 2391, 2401, 2401a, 2402-2405, 2411-2416, 2577, 2637, 2638, 2639, 2668, 2672a, 2675, 2687, 2734a, 2777, 2822, 2857, 3031, 3359, 3364, 3579, 3686, 3819, 3851, 3964, 4336, 4348, 4657, 5721, 5891, 5897, 6148, 6154, 6383, 6389, 6482, 6959, 7204, 7208, 7227, 7421, 7422, 7426, 7430, 7431, 7522, 7572, 7881, 8031, 8359, 8686, 8819, 8851, 8964, 9336, 9348, 9441, 9442, 9512)

Oct. 30, 1984, Pub. L. 98-557, §§ 17, 19, 21, 98 Stat. 2867, 2869, 2870 (Title 10, §§ 175, 971, 1021-1074, 1074a, 1076, 1078-1081, 1084-1086, 1092)

Oct. 30, 1984, Pub. L. 98-564, 98 Stat. 2918 (Title 10, §§ 2733, 2734, 2736)

Oct. 30, 1984, Pub. L. 98-577, title III, §§ 301(b), 302(c)(1), title V. §§ 504(b), 505, 98 Stat. 3076, 3077, 3086, 3087 (Title 10, §§ 2302, 2303a, 2304, 2311, 2320)

Nov. 8, 1984, Pub. L. 98-615, title II, § 204(b), 98 Stat. 3216 (Title 10, § 1602)

Nov. 8, 1984, Pub. L. 98-618, title V, § 501, 98 Stat. 3301 (Title 10, § 1604)

Aug. 8, 1985, Pub. L. 99-83, title I, § 122, 99 Stat. 204 (Title 10, § 7307)

Nov. 8, 1985, Pub. L. 99-145, title I, §§ 123(a), 413(a), (b), title V, §§ 504(a), (c), 511(a), 512(a)-(c), 513, 514(a)(1), (b), 516, 521(a), (b), 522, 523, 531(a), (b), 532(a), 533, 534, title VI, §§ 606(a), 651(a), (b), 652(a), (b), 653(a), 671(a)(1), (2), 672(i), 673, 681(a), title VII, §§ 711(a), (b), 712(a), (b)(1), 713(a), (b), 714(a), 715, 716(a), 717-719, 721, 722, 723(a), (b), 724, title IX, §§ 911(a), 912(a), 917, 919(a), (b), 922, 923(a), 924(a), 935, 961(a)(1), (b), (d), title XI, § 1102(b), title XII, §§ 1201, 1202(a), 1208, 1224(a), (b)(1), (c), 1225(a)(1), (2), title XIII, §§ 1301(a)-(d), 1302-1304, title XIV, §§ 1403, 1423(a), 1454, 1457, 1458(a), 1460, title XVI, § 1624(a), 99 Stat. 599-778 (Title 10, §§ 101, 124, 138, 139a-139c, 140c, prec. 191, 192, 373, prec. 501, 517, 520b, 523-525, 555, 597, 601, 611, 612, prec. 619, 619, 626, prec. 627, 634, 635, 637, 638, 645, 688, 741, 772, prec. 877, 906a, prec. 1031, 1037, prec. 1071, 1074a, 1076, 1076a, 1077, 1085, 1086, 1094, prec. 1121, 1124, 1127, 1128, 1201, 1202, 1204, 1205, 1210, 1211, 1431, 1437, 1440, prec. 1447, 1447, 1448, 1450-1452, 1455, 1489, 1588, prec. 1601, 1603, 1605, prec. 1621, 1621-1624, prec. 2001, 2124, 2147, prec. 2171, 2171, 2172, 2213, 2233, 2236, prec. 2301, 2304, 2305, 2305a, 2306, 2310, 2313, 2320-2331, 2341-2350, prec. 2351, 2362, 2363, prec. 2381, 2397, 2397a, 2406, 2407, 2411-2415, prec. 2481, 2485, prec. 2541, 2546, 2547, 2571, prec. 2661, 2672, 2683, 2687, 2691, prec. 2771, 2774, 2775, prec. 2801, 2805, 2809, prec. 2821, 2821, 2828, 2833, 2834, prec. 2851, 2852, 2860, 2862, 3359, 3380, prec. 3681, 3683, 3843, 3848, 3851, 3852, prec. 3961, 3963, 4309, 4313, 4348, 4651, 4712, 4713, 5138, 5149, prec. 5441, 5442, 5444, 5457, 5501, 5985, 6148, 6160, 6389, 6959, 6964, 7204, prec. 7291, 7307, 7309, 7431, 7572, prec. 7601, 7601, prec. 8201, 8359, 8380, prec. 8681, 8683, 8848, 8851, 8852, prec. 8961, 8963, prec. 9301, 9314, 9348, 9441, 9651, 9712, 9713)

Dec. 3, 1985, Pub. L. 99-167, title VII, § 702, title VIII, §§ 801(b), 802-805, 807-812, 821, 825, 99 Stat. 985-992 (Title 10, §§ 2233, 2236, 2546, 2571, 2672, 2775, 2805, 2809, 2821, 2828, 2833, 2834, 2860, 2862)

Dec. 10, 1985, Pub. L. 99-173, § 121(b), 99 Stat. 1029 (Title 10, § 2860)

Dec. 19, 1985, Pub. L. 99-190, § 101(b) [title VIII, § 8112(a)], 99 Stat. 1185, 1223 (Title 10, § 2324)

Dec. 28, 1985, Pub. L. 99-224, § 2, 99 Stat. 1741 (Title 10, § 2774)

Arms Control and Disarmament Act

Pub. L. 98-202, §§ 1-6(a), Dec. 2, 1983, 97 Stat. 1381, 1382 (Title 22, §§ 2562, 2567, 2568, 2589, 2591)

Pub. L. 99-93, title VII, §§ 701-703, Aug. 16, 1985, 99 Stat. 444, 445 (Title 22, §§ 2589, 2592)

Arms Export Control Act

Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 969 (Title 22, § 2771)

Pub. L. 99-64, title I, § 123(a), July 12, 1985, 99 Stat. 156 (Title 22, § 2778)

Pub. L. 99-83, title I, §§ 101(a), (b), 102, 106(b), (c), 107-121, title V, § 503(b), title XII, § 1209(c), Aug. 8, 1985, 99 Stat. 193-204, 221, 279 (Title 22, §§ 2752, 2753, 2761, 2763-2767, 2770a, 2771, 2776, 2778, 2791, 2792, 2794, 2795)

Pub. L. 99-139, § 1(a), Oct. 30, 1985, 99 Stat. 562 (Title 22, § 2795)

Pub. L. 99-145, title XI, § 1102(a), Nov. 8, 1985, 99 Stat. 708 (Title 22, §§ 2752, 2753, 2767, 2791)

Arts and Artifacts Indemnity Act

Pub. L. 99-194, title III, §§ 301, 302(a), 303, Dec. 20, 1985, 99 Stat. 1345 (Title 20, §§ 971, 972, 974)

Arts, Humanities, and Museums Amendments of 1985

Pub. L. 99-194, Dec. 20, 1985, 99 Stat. 1332 (Title 2, § 177; Title 20, §§ 951, 951 note, 952-960, 963, 964, 967, 971, 972, 972 note, 974)

Asbestos School Hazard Abatement Act of 1984

Pub. L. 98-377, title V, Aug. 11, 1984, 98 Stat. 1287 (Title 20, §§ 4011-4021)

Asia Foundation Act

Pub. L. 98-164, title IV, Nov. 22, 1983, 97 Stat. 1038 (Title 22, §§ 4401-4403)

Pub. L. 99-93, title IV, § 401, Aug. 16, 1985, 99 Stat. 437 (Title 22, § 4403)

Asian Development Bank Act

Pub. L. 98-181, title X, § 1002, Nov. 30, 1983, 97 Stat. 1285 (Title 22, § 285x)

Atlantic Salmon Convention Act of 1982

Pub. L. 98-44, title I, § 102, July 12, 1983, 97 Stat. 216 (Title 16, §§ 3602, 3606)

Atlantic Striped Bass Conservation Act

Pub. L. 98-613, Oct. 31, 1984, 98 Stat. 3187 (Title 16, §§ 757g, 1851 note)

Atlantic Tunas Convention Act of 1975

Pub. L. 98-44, title I, § 101, July 12, 1983, 97 Stat. 216 (Title 16, § 971h)

Atomic Energy Act of 1954

Nov. 8, 1984, Pub. L. 98-622, title II, § 205(b), 98 Stat. 3388 (Title 42, § 2182)

July 12, 1985, Pub. L. 99-64, title III, § 301(a)-(c), 99 Stat. 159, 160 (Title 42, §§ 2153, 2159)

Aviation Drug-Trafficking Control Act

Pub. L. 98-499, Oct. 19, 1984, 98 Stat. 2312 (Title 49 App., §§ 1301 note, 1401, 1422, 1429, 1472, 1903)

Baby Doe Amendment

Pub. L. 98-457, title I, §§ 121-128, Oct. 9, 1984, 98 Stat. 1752-1755 (Title 42, §§ 5101 note, 5102, 5102 note, 5103, 5103 note)

Bail Reform Act of 1984

Pub. L. 98-473, title II, §§ 203-210, Oct. 12, 1984, 98 Stat. 1976-1987 (Title 18, §§ 3041-3043, 3062, 3141-3150, 3150a, 3151, 3154, 3156, 3731, 3772, 4282; Title 18 App., F.R. Crim. Proc. Rules 5, 15, 40, 46, 54; Title 28, § 636; Title 28 App., F.R. App. Proc. Rule 9)

Balanced Budget and Emergency Deficit Control Act of 1985

Pub. L. 99-177, title II, §§ 200-275, Dec. 12 1985, 99 Stat. 1038 (Title 2, §§ 602, 621 note, 622, 631-642, 651-656, 661, 901, 901 notes, 902-907, 921, 922; Title 31, §§ 1104-1106, 1109; Title 42, §§ 911, 911 note)

Bankruptcy

Pub. L. 98-353, title III, §§ 301-319, 324, 350-353, 362, 363, 371, 391-396, 401-404, 421-534, 541(a), (b), July 10, 1984, 98 Stat. 352-390 (Title 11, §§ 101-103, 108, 109, 303, 321, 322, 326-330, 342, 343, 345, 346, 349, 350, 361-363, 365, 366, 501-503, 505-507, 509, 510, 521-525, 541-550, 552-555, 557-559, 702-704, 707, 723-728, 741, 745, 752, 761, 763-766, 901-903, 921, 922, 927, 943, 945, 1102, 1103, 1105-1108, 1112, 1113, 1121, 1123-1127, 1129, 1141, 1142, 1144-1146, 1166, 1168-1171, 1173, 1301, 1302, 1304, 1307, 1322, 1324-1326, 1328, 1329, 15103, 151302)

Bankruptcy Amendments and Federal Judgeship Act of 1984

Pub. L. 98-353, July 10, 1984, 98 Stat. 333 (Title 5, §§ 8331, 8334, 8336, 8339, 8341, 8344; Title 11, §§ 101-103, 108, 109, 303, 321, 322, 326-330, 342, 343, 345, 346, 349, 350, 361-363, 365, 366, 501-503, 505-507, 509, 510, 521-525, 541-550, 552-555, 557-559, 702-704, 707, 723-728, 741, 745, 752, 761, 763-766, 901-903, 921, 922, 927, 943, 945, 1102, 1103, 1105-1108, 1112, 1113, 1121, 1123-1127, 1129, 1141, 1142, 1144-1146, 1166, 1168-1171, 1173, 1301, 1302, 1304, 1307, 1322, 1324-1326, 1328, 1329, 15103, 151302; Title 11 App., Rules 2002, 3001, Form 1; Title 28, §§ 151-158, 372, 634, 957, 1334, 1360, 1408-1412, 1452, 1980)

Pub. L. 98-531, § 1(2), Oct. 19, 1984, 98 Stat. 2704 (Title 11, § 101 note)

Bankruptcy Reform Act of 1978

Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2549 (Title 2, § 356; Title 5, §§ 8331, 8334, 8341, 8344; Title 7, §§ 24, 499d, 623; Title 11, §§ 101-151326; Title 12, § 4150; Title 15, §§ 77c, 77ccc, 78eee, 78fff, 78fff-1, 78fff-2, 78fff-4, 78*lll*, 79k, 80a-2, 80a-6, 80a-25, 80b-2, 1673, 1681c; Title 17, § 201; Title 18, §§ 151-155, 1961, 2516, 3057, 3244, 3284, 6001; Title 19, §§ 1485, 2022; Title 20, § 1087-3; Title 22, § 2199; Title 28, §§ 151-160, 291-295, 331-333, 376, 451, 455-457, 460, 506, 526, 569, 571, 581-589, 604, 610, 620, 621, 629, 631, 634, 771-775, 957, 959, 1293, 1294, 1334, 1360, 1408, 1471-1482, 1656, 1869, 1914, 1923, 1930, 2075, 2107, 2201, 2256; Title 29, §§ 152, 402, 1342, 1362, 1368; See Title 31, § 3713; Title 33, §§ 511, 917; Title 40, § 316; Title 41, § 41; Title 42, §§ 294f, 656, 1473, 2000e, 3602; Title 43, § 617p; Title 45, §§ 81, 662; Title 46 App., § 1247; Title 48, §§ 1424, 1612, 1615; See Title 49, §§ 11303, 11304)

Pub. L. 98-166, title II, § 200, Nov. 28, 1983, 97 Stat. 1081 (Title 28, note prec. § 571)

Bankruptcy Rules

Pub. L. 98-91, § 2(a), Aug. 30, 1983, 97 Stat. 607 (Title 11 App., Rule 2002)

Barrow Gas Field Transfer Act of 1984

Pub. L. 98-366, July 17, 1984, 98 Stat. 468 (Title 42, §§ 6502, 6504)

Beef Promotion and Research Act of 1985

Pub. L. 99-198, title XVI, § 1601, Dec. 23, 1985, 99 Stat. 1597 (Title 7, §§ 2901, 2901 note, 2902-2918)

Beef Research and Information Act

Pub. L. 99-198, title XVI, § 1601(b), Dec. 23, 1985, 99 Stat. 1597 (Title 7, §§ 2901-2918)

Bilingual Education Act

Pub. L. 98-511, title II, Oct. 19, 1984, 98 Stat. 2369 (Title 20, §§ 3221-3223, 3231-3233, 3241-3247, 3251-3255, 3261, 3262)

Biomass Energy and Alcohol Fuels Act of 1980

Pub. L. 99-24, § 1(a), Apr. 15, 1985, 99 Stat. 50 (Title 42, § 8821)

Black Lung Benefits Act of 1972

Pub. L. 98-426, § 28(h)(2), Sept. 28, 1984, 98 Stat. 1655 (Title 30, § 932)

Board for International Broadcasting Act of 1973

Pub. L. 98-164, title III, §§ 302-305, Nov. 22, 1983, 97 Stat. 1036 (Title 22, §§ 2877, 2881, 2882)

Board for International Broadcasting Act of 1973—Continued

Pub. L. 99-93, title III, §§ 301(a), 302, 303, 305(a), Aug. 16, 1985, 99 Stat. 434, 436 (Title 22, §§ 2871, 2875, 2877, 2883)

Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985

Pub. L. 98-164, title III, Nov. 22, 1983, 97 Stat. 1036 (Title 22, §§ 2871 note, 2877, 2881, 2882)

Boulder Canyon Project Act

Aug. 17, 1984, Pub. L. 98-381, title I, § 103(a), 98 Stat. 1334 (Title 43, §§ 617a, 617b)

Boulder Canyon Project Adjustment Act

Aug. 17, 1984, Pub. L. 98-381, title I, § 104(a), 98 Stat. 1334 (Title 43, §§ 618, 618a, 618e, 618k)

Bretton Woods Agreements Act

Nov. 30, 1983, Pub. L. 98-181, title VIII, §§ 801, 802, 804-813, 97 Stat. 1267, 1268, 1270-1276 (Title 22, §§ 286b, 286b-2, 286c, 286e-1, 286e-1i, 286e-2, 286y, 286z, 286aa-286gg)

Dec. 19, 1985, Pub. L. 99-190, § 101(i) [title I, § 101(a)], 99 Stat. 1291, 1294 (Title 22, § 286e-1j)

Brooks Architect-Engineers Act

June 30, 1949, ch. 288, title IX, §§ 901-904, as added Oct. 27, 1972, Pub. L. 92-582, 86 Stat. 1278 (Title 40, §§ 541-544)

Bureau of Marine Inspection and Navigation Act

May 27, 1936, ch. 463, §§ 1-9, 49 Stat. 1380 (See Title 46, §§ 2104, 2111, 2112, 3305, 3306, 3316, 3318, 3503, 6101, 6301, 6303-6307, 7701, 7703, 7705; Title 46 App., §§ 373, 417-419)

Bus Regulatory Reform Act of 1982

Pub. L. 98-554, title II, § 224, Oct. 30, 1984, 98 Stat. 2847 (Title 49, § 10927 note)

Cable Communications Policy Act of 1984

Pub. L. 98-549, Oct. 30, 1984, 98 Stat. 2779 (Title 15, § 21; Title 18, § 2511; Title 46 App., §§ 484-487; Title 47, §§ 35, 152, 224, 309, 521, 522, 531-533, 541-547, 551-559, 601-611; Title 50, § 1805)

California Wilderness Act of 1984

Pub. L. 98-425, Sept. 28, 1984, 98 Stat. 1619 (Title 16, §§ 46 note, 80 note, 543, 543a-543h, 1132 note, 1274)

Caribbean Basin Economic Recovery Act

Pub. L. 98-67, title II, §§ 201, 211-218, 221-223, 231, Aug. 5, 1983, 97 Stat. 384 (Title 19, §§ 1202, 1319 note, 2251 note, 2582, 2701-2706; Title 26, §§ 274, 7652; Title 33, § 1311 note)

Pub. L. 98-573, title II, § 235, Oct. 30, 1984, 98 Stat. 2992 (Title 19, § 2703)

Carl D. Perkins Vocational Education Act

Pub. L. 88-210, §§ 1-521, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2435 (Title 20, §§ 2301, 2301 note, 2302, 2311-2313, 2321-2325, 2331-2334, 2341, 2342, 2351, 2352, 2361-2363, 2371-2373, 2381-2383, 2391-2393, 2401-2404, 2411, 2413, 2415, 2417, 2421-2423, 2431, 2441, 2451, 2461-2466, 2471)

Pub. L. 99-159, title VII, §§ 701-711, 713(a), Nov. 22, 1985, 99 Stat. 904-907 (Title 20, §§ 2311, 2312, 2322, 2323, 2333, 2361-2363, 2383, 2392, 2417, 2462, 2464, 2471)

Central Idaho Wilderness Act of 1980

Pub. L. 98-620, title IV, § 402(23), Nov. 8, 1984, 98 Stat. 3359

Central Intelligence Agency Act of 1949

Dec. 9, 1983, Pub. L. 98-215, title IV, § 401, 97 Stat. 1477 (Title 50, § 403f)

Oct. 12, 1984, Pub. L. 98-473, title I, § 140, 98 Stat. 1973 (Title 50, § 403*o*)

Nov. 8, 1984, Pub. L. 98-618, title IV, § 401, 98 Stat. 3301 (Title 50, § 403*o*)

Central Intelligence Agency Information Act

Pub. L. 98-477, Oct. 15, 1984, 98 Stat. 2209 (Title 5, § 552a; Title 50, §§ 401 note, 431, 432)

Central Intelligence Agency Retirement Act of 1964 for Certain Employees

Pub. L. 98-618, title III, § 302, Nov. 8, 1984, 98 Stat. 3300 (Title 50, § 403 note)

Pub. L. 99-169, title VII, § 702, Dec. 4, 1985, 99 Stat. 1008 (Title 50, § 403 note)

Central, Western, and South Pacific Fisheries Development Act

Pub. L. 98-498, title IV, § 410, Oct. 19, 1984, 98 Stat. 2309 (Title 16, § 758e)

Challenge Grant Amendments of 1983

Pub. L. 98-95, Sept. 26, 1983, 97 Stat. 708 (Title 20, §§ 123 note, 1001 note, 1065a, 1069c, 1132a-1 note)

Cherokee Leasing Act

Pub. L. 99-221, Dec. 26, 1985, 99 Stat. 1735 (Title 25, §§ 415, 415 note, 450i; Title 26, § 3121; Title 42, §§ 410, 410 note)

Child Abuse Amendments of 1984

Pub. L. 98-457, Oct. 9, 1984, 98 Stat. 1749 (Title 42, §§ 5101-5106, 5111-5113, 5115, 10401-10412)

Child Abuse Prevention and Treatment Act

Pub. L. 98-457, title I, §§ 101-106, 121-123, Oct. 9, 1984, 98 Stat. 1749-1753 (Title 42, §§ 5101-5106)

Child Abuse Prevention and Treatment and Adoption Reform Act of 1978

Pub. L. 98-457, title II, §§ 201-204, Oct. 9, 1984, 98 Stat. 1755-1757 (Title 42, §§ 5111-5113, 5115)

Child Protection Act of 1984

Pub. L. 98-292, May 21, 1984, 98 Stat. 204 (Title 18, §§ 2251-2255, 2516; Title 28, § 522 note)

Child Support Enforcement Act

Aug. 14, 1935, ch. 531, title IV, § 451 et seq., as added Jan. 4, 1975, Pub. L. 93-647, § 101(a), 88 Stat. 2351-2358 (Title 42, §§ 651-660)

Child Support Enforcement Act—Continued

Aug. 9, 1975, Pub. L. 94-88, title II, §§ 201(c), 205, 208(b), (c), 89 Stat. 433, 435, 436 (Title 42, §§ 654, 655)

July 14, 1976, Pub. L. 94-365, § 3, 90 Stat. 990 (Title 42, § 655)

May 23, 1977, Pub. L. 95-30, title V, §§ 501(a)-(e), 502(a), 503(a), 504(a), 91 Stat. 157-163 (Title 42, §§ 652, 654, 658, 659, 661, 662)

June 30, 1977, Pub. L. 95-59, § 4, 91 Stat. 255 (Title 42, § 655)

Nov. 12, 1977, Pub. L. 95-171, § 11, 91 Stat. 1357 (Title 42, § 657)

Nov. 6, 1978, Pub. L. 95-598, title III, § 328, 92 Stat. 2679 (Title 42, § 656)

Jan. 2, 1980, Pub. L. 96-178, § 2(a), 93 Stat. 1295 (Title 42, § 655)

June 9, 1980, Pub. L. 96-265, title IV, §§ 402(a), 404(a), 405(a)-(d), 407(a), (b), 94 Stat. 462-465, 467 (Title 42, §§ 652, 654, 655)

June 17, 1980, Pub. L. 96-272, title III, §§ 301(b), 307, 94 Stat. 527, 531 (Title 42, §§ 652, 658)

Dec. 28, 1980, Pub. L. 96-611, §§ 9(a)-(c), 11(c), 94 Stat. 3571-3574 (Title 42, §§ 654, 655, 663)

Aug. 13, 1981, Pub. L. 97-35, title XXIII, §§ 2331(a), (b), 2332(a)-(e), 2333, 2334(a), 2335(a), 95 Stat. 860-863 (Title 42, §§ 651-657, 664)

Sept. 3, 1982, Pub. L. 97-248, title I, §§ 171(a), (b)(1), (2), 172(a), 173(a), 174(a)-(c), 175(a)(1), 96 Stat. 401-403 (Title 42, §§ 652-655, 658, 665)

Apr. 20, 1983, Pub. L. 98-21, title III, § 335(b)(1), 97 Stat. 130 (Title 42, § 659)

Aug. 16, 1984, Pub. L. 98-378, §§ 2, 3(a)-(f), (g)(2), 4(a), (b), 5(a), (b), (c)(2)(A), 6(a), (b), 7(a), 8, 9(a)(1), 11(a), (b), (d), 12(a), (b), 13(a), (b), 14(a), 16-18(a), 19(a), 21(a)-(d), 98 Stat. 1305-1324 (Title 42, §§ 651-658, 664, 666, 667)

Child Support Enforcement Amendments of 1984

Pub. L. 98-378, Aug. 16, 1984, 98 Stat. 1305 (Title 26, §§ 6103, 6402, 7213; Title 42, §§ 602, 603, 606, 651-658, 664, 666, 667, 1305 note, 1315, 1396a)

Christopher Columbus Quincentenary Jubilee Act

Pub. L. 98-375, Aug. 7, 1984, 98 Stat. 1257

Cigarette Safety Act of 1984

Pub. L. 98-567, Oct. 30, 1984, 98 Stat. 2925 (Title 15, § 2054 note)

Civil Aeronautics Board Sunset Act of 1984

Pub. L. 98-443, Oct. 4, 1984, 98 Stat. 1703 (Title 5, §§ 5314, 5315; Title 7, §§ 1622, 2145; Title 10, §§ 4746, 9746; Title 15, §§ 18, 21, 1607, 1681s, 1691c, 1692*l*; Title 16, § 18b; Title 26, §§ 47, 7701; Title 31, § 3726; Title 39, §§ 3401, 5005, 5401, 5402; Title 44, § 3502; Title 49 App., §§ 329, 1159a, 1159b, 1304, 1305, 1371 note, 1377, 1381, 1382, 1388, 1389, 1537, 1551, 1553-1557, 2423 note)

Civil Service Miscellaneous Amendments Act of 1983

Pub. L. 98-224, Mar. 2, 1984, 98 Stat. 47 (Title 5, §§ 1101 note, 1304, 3323, 4108, 4109, 7104, 7122)

Civil Service Retirement Spouse Equity Act of 1984

Pub. L. 98-615, Nov. 8, 1984, 98 Stat. 3195 (Title 5, §§ 3131 note, 3135, 3393, 3395, 3593-3595a, 4302a, 4312, 4501, 5332, 5334-5336, 5361, 5362, 5383, 5384, 5401-5410, 5948, 7543, 8331, 8334, 8336, 8339, 8341, 8342, 8345, 8348, 8901-8903, 8905, 8907, 8909, 8913; Title 10, § 1602; Title 31, § 731)

Clayton Act (Anti-Trust Act)

Oct. 4, 1984, Pub. L. 98-443, § 9(d), 98 Stat. 1708 (Title 15, § 18)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(10), 98 Stat. 3358 (Title 15, §§ 18a, 21)

Clean Air Act

Pub. L. 98-213, § 11, Dec. 8, 1983, 97 Stat. 1461 (Title 42, §§ 7625-1, 7625a, 7626)

Coast and Geodetic Survey Commissioned Officers' Act of 1948

Sept. 24, 1983, Pub. L. 98-94, title IX, §§ 922(c), 923(e), 97 Stat. 642, 643 (Title 33, § 853*o*)

Oct. 19, 1984, Pub. L. 98-498, title III, § 320(a)(1), (b), (c)(1), 98 Stat. 2307, 2308 (Title 33, §§ 853g, 853h, 853j-1, 853u)

Nov. 8, 1985, Pub. L. 99-145, title V, § 514(a)(3), 99 Stat. 628 (Title 33, § 853u)

Coast Guard

Sept. 24, 1983, Pub. L. 98-94, title IX, §§ 922, 923(d), 97 Stat. 642, 643 (Title 14, § 423)

Oct. 30, 1984, Pub. L. 98-557, §§ 15, 17(b), 24, 25(a), 98 Stat. 2864, 2867, 2872 (Title 14, §§ 41, 42, 92, 144, 145, 148, 149, 181a, 192, 211-214, 257, 290, 295, 351-355, 357, 359-362, 365-367, 370, 371, 421, 423, 424, 432, 478, 480-483, 487, 488, 647-724, 832)

Nov. 8, 1985, Pub. L. 99-145, title V, §§ 514(a)(2), (c), title XVI, § 1623, 99 Stat. 628, 629, 778 (Title 14, §§ 41, 42, 256, 259, 271, 289, 290, 421, 660, 724, 729, 736, 740, 742, 743)

Coast Guard Authorization Act of 1982

Pub. L. 97-322, title I, §§ 101-121, Oct. 15, 1982, 96 Stat. 1581-1588 (Title 14, §§ 52, 81, 88 note, 93, 193, 368, 475, 631 note; Title 33, §§ 401, 491, 495, 499, 502, 525, 533, 1231a, 2073; Title 37, § 306; See Title 46, §§ 2106, 2302, 3316, 4311, 6301, 6305, 6307, 9101, 12309, 13110)

Coast Guard Authorization Act of 1984

Pub. L. 98-557, Oct. 30, 1984, 98 Stat. 2860 (Title 5, § 5316; Title 10, §§ 175, 741, 971, 1072-1074a, 1076, 1078-1081, 1084-1086, 1092, 1401, 1401 note; Title 14, §§ 41, 42, 88 note, 92, 92 note, 144, 145, 148, 149, 181a, 192, 211-214, 257, 290, 295, 351-355, 357, 359-362, 365-367, 370, 371, 421-424, 432, 478, 480-483, 487, 488, 647, 647 note, 724, 832; Title 18, § 1114; Title 33, §§ 491, 525, 771, 772, 1226, 1229, 1231a, 2014, 2024,

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Pub. L. 99-36, § 2, May 15, 1985, 99 Stat. 68 (Title 46, §§ 3102, 3102 notes)

Coastal Zone Management Improvement Act of 1980

Pub. L. 98-620, title IV, § 402(20), Nov. 8, 1984, 98 Stat. 3358 (Title 16, § 1463a)

Coastwise Load Line Act, 1935

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Colorado River Basin Project Act

Pub. L. 98-381, title I, § 102, Aug. 17, 1984, 98 Stat. 1333 (Title 43, § 1543)

Colorado River Basin Salinity Control Act

Pub. L. 98-569, §§ 1-3, 4(a)-(f)(1), Oct. 30, 1984, 98 Stat. 2933-2939 (Title 43, §§ 1591-1593, 1595)

Colorado River Storage Project Act

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Commercial Fishing Industry Vessel Act

Pub. L. 98-364, title IV, §§ 401-403, July 17, 1984, 98 Stat. 445-450 (Title 46, §§ 2101, 2101 note, 3301, 3302, 3302 note, 3304, 3306, 3702, 4501-4504, 7111, 7301, 7306, 7311a, 7312, 8102, 8104, 8701, 10101, 11108, 11109, 12101)

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Pub. L. 98-575, Oct. 30, 1984, 98 Stat. 3055 (Title 49, §§ 2601-2623)

Pub. L. 99-170, title III, § 301, Dec. 5, 1985, 99 Stat. 1018 (Title 49 App., § 2623)

Commodity Credit Corporation Charter Act

Nov. 8, 1984, Pub. L. 98-623, title IV, § 405(a), 98 Stat. 3409 (Title 15, § 714c)

Dec. 23, 1985, Pub. L. 99-198, title XI, § 1167(b), title XVII, § 1761, 99 Stat. 1503, 1651 (Title 15, § 714b)

Commodity Exchange Act

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Oct. 30, 1984, Pub. L. 98-549, §§ 2, 3(a), 4, 5(a), 6(a), (b)(1), 8, 98 Stat. 2780-2804 (Title 47, §§ 35, 152, 224, 309, 521, 522, 531-533, 541-547, 551-559, 601-611)

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Pub. L. 98-288, § 31, May 21, 1984, 98 Stat. 197 (Title 42, §§ 9902, 9912)

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Compact of Free Association Act of 1985

Pub. L. 99-239, Jan. 14, 1986, 99 Stat. 1770 (Title 48, § 1681 note)

Competition in Contracting Act of 1984

Pub. L. 98-369, title VII, July 18, 1984, 98 Stat. 1175 (Title 10, §§ 2301-2306, 2310, 2311, 2313, 2356; Title 31, §§ 3551-3556; Title 40, § 759; Title 41, §§ 251 note, 252-254, 257-260, 403, 405, 407 note, 414, 416-419)

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970

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Pub. L. 99-217, §§ 2, 4, Dec. 26, 1985, 99 Stat. 1728 (Title 18, § 3551 note)

Comprehensive Drug Abuse Prevention and Control Act of 1970

Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236 (Title 18, §§ 1114, 1952, 4251; Title 19, §§ 2079, 2080; Title 21, §§ 198a, 321, 333, 334, 360, 372, 381, 801-803, 811, 812, 821-829, 841-851, 871-886, 901-904, 951-965; Title 26, §§ 4901, 4905, 6808, 7012, 7103, 7326, 7607, 7609, 7641, 7651, 7655; Title 31, §§ 529e-529f; Title 40, § 304m; Title 42, §§ 201, 225a, 242, 242a, 257, 257a, 258, 259, 260, 261, 261a, 2688k-2688*o*, 2688r, 3411, 3509; See Title 46, §§ 7503, 7704; Title 49 App., § 787)

Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 599 (See Title 46, § 7302)

Pub. L. 98-473, title II, §§ 303-309, Oct. 12, 1984, 98 Stat. 2044-2052 (Title 21, §§ 824, 848, 853, 854, 881, 967)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Pub. L. 98-80, § 2(c)(2)(B), Aug. 23, 1983, 97 Stat. 485 (Title 42, § 6911a)

Comprehensive Forfeiture Act of 1984

Pub. L. 98-473, title II, §§ 301-322, Oct. 12, 1984, 98 Stat. 2040-2057 (Title 18, §§ 1961 note, 1963; Title 19, §§ 1589, 1600, 1602, 1605, 1606-1613, 1613a, 1614-1616, 1618, 1619, 1644; Title 21, §§ 824, 848, 853, 854, 881, 967; Title 26, § 7607; Title 28, § 524)

Comprehensive Older Americans Act Amendments of 1978

Pub. L. 98-459, title VIII, § 801(b), Oct. 9, 1984, 98 Stat. 1792 (Title 42, § 3045 note)

Comprehensive Smoking Education Act

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Congregate Housing Services Act of 1978

Pub. L. 98-181, title II, § 224, Nov. 30, 1983, 97 Stat. 1191 (Title 42, §§ 8007, 8010)

Pub. L. 98-479, title I, § 102(f), title II, § 201(j), Oct. 17, 1984, 98 Stat. 2222, 2228 (Title 42, §§ 8004, 8010)

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Pub. L. 99-177, title II, §§ 201(b), 211-214, 221, 223, 271(a), Dec. 12, 1985, 99 Stat. 1040-1060, 1094 (Title 2, §§ 602, 631-642, 651-656, 661)

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Pub. L. 99-177, title II, §§ 201(a), 232(a), (b), Dec. 12, 1985, 99 Stat. 1039, 1062 (Title 2, § 622)

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Pub. L. 98-377, title I, §§ 131-134, Aug. 11, 1984, 98 Stat. 1270, 1271 (Title 20, §§ 3931-3933)

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Pub. L. 98-51, title I, July 14, 1983, 97 Stat. 263 (Title 2, §§ 58, 59d, 60a note, 60j-4, 61h-5, 65d, 68-3, 74a-5, 84-1, 84-2 note, 88b-5, 276a, 276b, 288n, 333a; Title 5, § 8332; Title 40, §§ 166a, 206a-9, 212a-1 note)

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Pub. L. 99-151, title I, Nov. 14, 1985, 99 Stat. 792-802 (Title 2, §§ 31b-2, 31b-3, 31b-5, 31b-6, 60a note, 61g-6, 166, 605; Title 40, §§ 166a, 224)

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Pub. L. 98-258, title VI, §§ 602, 604-607, Apr. 10, 1984, 98 Stat. 138-140 (Title 7, §§ 1943, 1946, 1961, 1964, 1981b, 1986, 1994)

Pub. L. 99-198, title XIII, §§ 1301-1304(a), 1304A-1307, 1308(a), (b)(1), (3), (c), (d), 1309, 1310(a), 1311, 1312(a), 1313(a), 1314(a), 1315-1317, 1318(a), (b)(1), 1319-1321, Dec. 23, 1985, 99 Stat. 1518-1532 (Title 7, §§ 1922, 1926, 1927, 1941, 1942, 1961, 1964, 1971, 1981, 1981c, 1982, 1983a, 1983b, 1985, 1987, 1991, 1994, 1997, 1998, 1999, 2000)

Consolidated Federal Funds Report Act of 1982

Pub. L. 97-326, Oct. 15, 1982, 96 Stat. 1607 (Title 31, § 6102 note)

Consumer Credit Protection Act

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Contract Services for Drug Dependent Federal Offenders Act of 1978

Pub. L. 98-236, § 2, Mar. 20, 1984, 98 Stat. 66 (Title 18, § 4255 note)

Contract Services for Drug Dependent Federal Offenders Authorization Act of 1983

Pub. L. 98-236, Mar. 20, 1984, 98 Stat. 66 (Title 18, § 4255 note)

Contract Work Hours and Safety Standards Act

Pub. L. 99-145, title XII, § 1241(a), Nov. 8, 1985, 99 Stat. 734 (Title 40, § 328)

Controlled Substance Registrant Protection Act of 1984

Pub. L. 98-305, May 31, 1984, 98 Stat. 221 (Title 18, § 2118; Title 28, § 522 note)

Controlled Substances Act

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Pub. L. 98-509, title III, § 301(a), Oct. 19, 1984, 98 Stat. 2364 (Title 21, § 802)

Controlled Substances Import and Export Act

Pub. L. 91-513, title III, §§ 101-1016, 1102(a)-(g)(1), (h)-(m), (n)(2)-(4), (q)-(t), 1103, Oct. 27, 1970, 84 Stat. 1285-1294 (Title 19, §§ 2078-2080; Title 21, §§ 171 note, 198a, 951-966; Title 26, §§ 4901, 4905, 6808, 7012, 7103, 7326, 7607, 7609, 7641, 7651, 7655; Title 28, § 2901; Title 40, § 304m; Title 42, § 3411; See Title 46, §§ 7503, 7704; Title 49 App., § 787)

Pub. L. 98-473, title II, §§ 225, 504, 505, Oct. 12, 1984, 98 Stat. 2030, 2070 (Title 21, §§ 960, 962)

Controlled Substance Penalties Amendments Act of 1984

Pub. L. 98-473, title II, § 501, Oct. 12, 1984, 98 Stat. 2068 (Title 21, § 841)

Coos, Lower Umpqua, and Siuslaw Restoration Act

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Nov. 8, 1984, Pub. L. 98-620, title III, § 302, 98 Stat. 3347 (Title 17, §§ 901-914)

Cotton Statistics and Estimates Act

Aug. 28, 1984, Pub. L. 98-403, § 2, 98 Stat. 1479 (Title 7, § 473a)

Counterfeit Access Device and Computer Fraud and Abuse Act of 1984

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July 30, 1983, Pub. L. 98-63, title I, § 101, 97 Stat. 313 (Title 18, § 1114)

Oct. 13, 1983, Pub. L. 98-127, § 2, 97 Stat. 831 (Title 18, § 1365)

Nov. 14, 1983, Pub. L. 98-151, § 115(a), (b), 97 Stat. 976 (Title 18, §§ 510, 3056)

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Oct. 25, 1984, Pub. L. 98-547, title II, §§ 201-205, title III, § 301, 98 Stat. 2768-2771 (Title 18, §§ 511, 512, 553, 1961, 2311, 2313, 2320)

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Oct. 30, 1984, Pub. L. 98-596, §§ 2-9, 12(a)(1)-(8), 98 Stat. 3134-3140 (Title 18, §§ 3565, 3569, 3579, 3591-3599, 3621-3624, 3651, 3655, 4209, 4214)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(24), 98 Stat. 3359 (Title 18, §§ 1964, 1966)

Dec. 23, 1985, Pub. L. 99-204, § 16, 99 Stat. 1676 (Title 18, § 709)

Criminal Fine Enforcement Act of 1984

Pub. L. 98-596, Oct. 30, 1984, 98 Stat. 3134 (Title 18, §§ 1, 3565, 3569, 3579, 3591-3599, 3621-3624, 3651, 3655, 4209, 4214; Title 18 App., F.R. Crim. Proc. Rule 12.2)

Criminal Justice Act Revision of 1984

Pub. L. 98-473, title II, § 1901, Oct. 12, 1984, 98 Stat. 2185 (Title 18, § 3006A)

Critical Agricultural Materials Act

Pub. L. 95-592, Nov. 4, 1978, 92 Stat. 2529 (Title 7, §§ 178-178n, 1314f)

Pub. L. 98-284, May 16, 1984, 98 Stat. 184 (Title 7, §§ 178, 178 note, 178a-178i, 178k-178n)

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June 25, 1938, ch. 679, 52 Stat. 1077 (Title 19, §§ 1304, 1308, 1309, 1314, 1315, 1317, 1321, 1401, 1402, 1451, 1459, 1460, 1467, 1484, 1485, 1491, 1499, 1501, 1516, 1520, 1524, 1528, 1553, 1557, 1558, 1559, 1562, 1563, 1598, 1603, 1607, 1609, 1613, 1623, 1653a, 1709; See Title 46, § 2110)

Customs Procedural Reform and Simplification Act of 1978

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Pub. L. 98-180, Nov. 29, 1983, 97 Stat. 1128 (Title 7, §§ 511r, 608c, 1314b, 1314b note, 1314b-1, 1314b-2, 1314c, 1314c note, 1314d, 1314e, 1314e note, 1379, 1421 note, 1427 note, 1445, 1445 note, 1445-1, 1445-2, 1446, 1446 note, 1727g note, 4501-4514)

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Dairy Production Stabilization Act of 1983

Pub. L. 98-180, title I, §§ 101-103, 110-122, Nov. 29, 1983, 97 Stat. 1128-1143 (Title 7, §§ 1421, 1446, 4501-4513)

Pub. L. 99-198, title I, § 121, Dec. 23, 1985, 99 Stat. 1367-1372 (Title 7, §§ 4531-4538)

Dangerous Cargo Act

R.S. § 4472 (See Title 46, §§ 2106, 3306(a)(5))

Oct. 9, 1940, ch. 777, 54 Stat. 1023 (See Title 18, §§ 831-835; See Title 46, §§ 2106, 3306(a)(5), 3310, 7502)

Jan. 3, 1975, Pub. L. 93-633, title I, § 113(a), (f), 88 Stat. 2161, 2163 (See Title 46, §§ 2106, 3306(a)(5))

Dangerous Drug Diversion Control Act of 1984

Pub. L. 98-473, title II, § 506, Oct. 12, 1984, 98 Stat. 2070 (Title 21, § 801 note)

Deep Seabed Hard Mineral Resources Act

Pub. L. 98-623, title IV, § 403, Nov. 8, 1984, 98 Stat. 3408 (Title 30, § 1470)

Deepwater Port Act of 1974

Pub. L. 98-419, §§ 2-5, Sept. 25, 1984, 98 Stat. 1607-1609 (Title 33, §§ 1502-1504, 1506, 1507, 1517, 1518)

Deepwater Port Act Amendments of 1984

Pub. L. 98-419, Sept. 25, 1984, 98 Stat. 1607 (Title 33, §§ 1501 note to 1504, 1506, 1507, 1517, 1518)

Defense Department Overseas Teachers Pay and Personnel Practices Act

Pub. L. 98-369, title II, § 2204, July 18, 1984, 98 Stat. 1059 (Title 20, § 904)

Defense Dependents' Education Act of 1978

Pub. L. 99-145, title XII, §§ 1204(b), 1205, Nov. 8, 1985, 99 Stat. 720, 721 (Title 20, §§ 921, 923, 928, 929)

Defense Officer Personnel Management Act

Pub. L. 98-525, title V, §§ 530-532, Oct. 19, 1984, 98 Stat. 2527 (Title 10, § 611 note)

Defense Procurement Improvement Act of 1985

Pub. L. 99-145, title IX, Nov. 8, 1985, 99 Stat. 682 (Title 10, §§ 139 note, 139c note, 1621, 1622, 1622 note, 1623, 1623 note, 1624, 1624 note, 2301 notes, 2304, 2304 notes, 2305a, 2305a note, 2307 note, 2313, 2320, 2323, 2324, 2324 note, 2397, 2397a, 2397a notes, 2406, 2411, 2411 note, 2412, 2413, 2414, 2415; Title 18, § 287 notes; Title 31, § 3729 note; Title 40, § 759; Title 41, §§ 253, 418a, 418a note; Title 50 App., §§ 2168, 2168 note)

Defense Procurement Reform Act of 1984

Pub. L. 98-525, title XII, §§ 1201, 1202, 1211-1217, 1231-1235, 1241-1244, 1252, 1254, Oct. 19, 1984, 98 Stat. 2588 (Title 10, §§ 139 note, 139a, 139b, 2301 note, 2302, 2303a, 2305, 2311, 2317-2323, 2354a, 2384, 2384a, 2392 note, 2401-2405, 2411-2416, 2452 note)

Defense Production Act of 1950

Mar. 29, 1983, Pub. L. 98-12, § 1, 97 Stat. 53 (Title 50 App., § 2166)

Nov. 30, 1983, Pub. L. 98-181, title VII, § 703, 97 Stat. 1267 (Title 50 App., § 2166)

Apr. 17, 1984, Pub. L. 98-265, §§ 2-6, 98 Stat. 149-152 (Title 50 App., §§ 2091-2093, 2099, 2161, 2166)

Nov. 8, 1985, Pub. L. 99-145, title IX, § 934(b), 99 Stat. 700 (Title 50 App., § 2168)

Defense Production Act Amendments of 1984

Pub. L. 98-265, Apr. 17, 1984, 98 Stat. 149 (Title 50 App., §§ 2061 note, 2091-2093, 2099, 2161, 2166)

Deficit Reduction Act of 1984

Pub. L. 98-369, July 18, 1984, 98 Stat. 494 (Title 26, § 1 et seq.)

Pub. L. 98-617, § 3(a), Nov. 8, 1984, 98 Stat. 3295 (Title 42, §§ 1395f, 1395h note, 1395n, 1395u, 1395x, 1395mm note, 1396a, 1396b)

Pub. L. 99-44, §§ 1(b), 6(a), May 24, 1985, 99 Stat. 77, 78 (Title 26, §§ 274 note, 6653, 6653 note, 6695)

Demonstration Cities and Metropolitan Development Act of 1966

Pub. L. 98-479, title II, § 201(f), Oct. 17, 1984, 98 Stat. 2228 (Title 42, § 3337)

Department of Commerce and Related Agencies Appropriation Act, 1984

Pub. L. 98-166, title I, Nov. 28, 1983, 97 Stat. 1071 (Title 15, §§ 636 note, 1517 note; Title 33, § 851)

Department of Commerce and Related Agencies Appropriation Act, 1985

Pub. L. 98-411, Aug. 30, 1984, 98 Stat. 1545 (Title 33, § 851)

Department of Commerce Appropriation Act, 1986

Pub. L. 99-180, title I, § 100, Dec. 13, 1985, 99 Stat. 1138 (Title 33, § 851)

Department of Defense Appropriation Act, 1983

Pub. L. 97-377, title I, § 101(c), Dec. 21, 1982, 96 Stat. 1833-1866 (Title 10, §§ 807 note, 858 note, 1584 note, 2103 note, 2399

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note; Title 37, §§ 308, 308a; Title 40, § 483a; Title 50, §§ 98d note, 100a)

Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 309

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Pub. L. 98-212, Dec. 8, 1983, 97 Stat. 1421 (Title 10, §§ 138 note, 807 note, 858 note, 1584 note, 2103 note, 2304 note, 2807 note; Title 40, § 483a)

Pub. L. 98-396, title I, § 1, Aug. 22, 1984, 98 Stat. 1378 (Title 37, § 430 note)

Pub. L. 98-525, title I, § 109, title XIV, § 1403(a), Oct. 19, 1984, 98 Stat. 2504, 2621 (Title 10, § 138 note)

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Pub. L. 98-473, title I, § 101(h), Oct. 12, 1984, 98 Stat. 1904, 1922, 1923, 1925, 1926, 1930, 1933, 1938, 1941-1944 (Title 10, §§ 139 note, 807 note, 858 note, 1401 note, 1584 note, 2103 note, 2304 note, 6330 note, 7309; Title 22, § 1928 note; Title 37, § 404 note; Title 40, § 483a; Title 50, § 1541 note)

Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 312

Pub. L. 99-145, title VI, § 603(a), Nov. 8, 1985, 99 Stat. 637

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Pub. L. 99-190, § 101(b) [title VIII, §§ 8004-8006, 8009, 8012, 8015, 8088, 8097, 8099, 8102, 8111, 8112], Dec. 19, 1985, 99 Stat. 1185, 1202-1205, 1216, 1219, 1220, 1222, 1223 (Title 10, §§ 138 note, 139 note, 1584 note, 2324, 2324 note, 2353 note, 7572 note; Title 37, § 403 note; Title 40, § 483a; Title 42, § 2464a)

Department of Defense Appropriation Authorization Act, 1975

Pub. L. 93-365, Aug. 5, 1974, 88 Stat. 399 (Title 10, §§ 138, 138 note, 261 note, 2451 note, 2457, 4314, 4314 note, 7291 note, 7307; Title 50 App., § 2403-1)

Pub. L. 97-252, title XI, § 1121, Sept. 8, 1982, 96 Stat. 754 (Title 10, §§ 2451 note, 2457)

Pub. L. 97-295, § 6(b), Oct. 12, 1982, 96 Stat. 1314 (Title 10, §§ 138 note, 2451 note, 2457)

Department of Defense Appropriation Authorization Act, 1976

Pub. L. 98-525, title XIV, § 1403(c), Oct. 19, 1984, 98 Stat. 2621

Pub. L. 98-620, title IV, § 402(8), Nov. 8, 1984, 98 Stat. 3357 (Title 10, § 2304 note)

Department of Defense Appropriation Authorization Act, 1979

Pub. L. 98-525, title XIV, § 1403(b), Oct. 19, 1984, 98 Stat. 2621 (Title 10, § 2102 note)

Department of Defense Authorization Act, 1981

Pub. L. 98-94, title IV, § 402, title VII, § 702, title X, § 1034, Sept. 24, 1983, 97 Stat. 629, 634, 672 (Title 10, §§ 520 note, 2031 note, 2141 note)

Pub. L. 98-525, title IV, § 402, Oct. 19, 1984, 98 Stat. 2516 (Title 10, § 520 note)

Pub. L. 99-145, title IV, § 402, title VI, § 671(a)(3), title XII, § 1234(a), Nov. 8, 1985, 99 Stat. 618, 663, 734 (Title 10, §§ 520 note, 2141 note, 2304 note)

Department of Defense Authorization Act, 1982

Pub. L. 98-94, title I, § 105, Sept. 24, 1983, 97 Stat. 620

Pub. L. 98-525, title I, § 106, Oct. 19, 1984, 98 Stat. 2503

Pub. L. 99-145, title I, § 106(b), Nov. 8, 1985, 99 Stat. 596

Department of Defense Authorization Act, 1983

Pub. L. 98-94, title V, § 504(a), title XII, § 1205, Sept. 24, 1983, 97 Stat. 631, 683 (Title 10, § 2392 note)

Pub. L. 98-525, title XII, § 1254, Oct. 19, 1984, 98 Stat. 2611 (Title 10, § 2392 notes)

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Pub. L. 98-94, Sept. 24, 1983, 97 Stat. 614 (Title 5, §§ 5315, 8141, 8334, 8336-8339; Title 10, §§ 133 note, 136, 136a, 139 note, 139b, 139c, 140, 171, 175, 261 note, 269, 505, 511, 517, 520, 524, 525 note, 532 note, 533, 651, 673c, 675, 688, 701, 716, 973, 1036, 1040, 1043, 1074a, 1079, 1081, 1085, 1086, 1089-1092, 1126, 1174, 1331, 1401, 1401a, 1402, 1402a, 1408, 1437, 1447, 1448, 1450, 1451, 1453a, 1461, 1462 note, 1463-1467, 1489, 1490, 1587, 1588, 2005, 2031 note, 2101, 2104, 2107, 2112 note, 2116, 2120, 2121, 2141 note, 2208, 2392 note, 2401, 2452, 2546, 3013, 3353, 3359, 3360, 3380, 3853, 3991, 3992, 4022, 4342, 4344, 4345, 5600, 5721, 6151, 6328, 6330, 6333, 6383, 6404, 6954, 6957, 7227, 7572, 8359, 8380, 8853, 8991, 8992, 9022, 9342, 9344, 9345; Title 14, § 1423; Title 20, §§ 237 note, 238, 3442; Title 22, § 1928 note; Title 32, § 335; Title 33, §§ 853o, 857a; Title 37, §§ 201, 203, 204, 209, 301, 301b, 308d, 308g, 308h, 310, 402-404, 406, 430, 1009 note; Title 38, § 106 note; Title 42, §§ 212, 248c, 248d, 402 note; Title 50, § 1519a)

Pub. L. 98-525, title II, § 205, Oct. 19, 1984, 98 Stat. 2509 (Title 10, § 139 note)

Pub. L. 98-557, § 17(f)(2), Oct. 30, 1984, 98 Stat. 2868 (Title 42, § 248d)

Pub. L. 99-145, title V, § 521(c), title VI, § 685(c), title XII, § 1232(a), Nov. 8, 1985, 99 Stat. 631, 666, 733 (Title 10, §§ 133 note, 3360 note)

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Pub. L. 98-525, Oct. 19, 1984, 98 Stat. 2492 (Title 5, §§ 4109, 5532, 5546a, 5547, 8344; Title 10, §§ 101, 124, 125, 133 note, 138, 139, 139a, 139b, 142, 143, 175, 177, 191, 261 note, 264, 280, 374, 378, 517, 520 notes, 520b, 522-524, 525 note, 601, 611 note, 618, 619, 624, 628, 630, 631, 633-637, 641, 645, 646, 673, 680, 701, 708, 717, 867 note, 956, 976, 979-981, 1005, 1034, 1035, 1040 note, 1044-1050, 1072, 1074, 1074a, 1074b, 1077, 1079, 1086, 1087, 1092 note, 1093, 1127, 1181, 1216, 1401a, 1402 note, 1408, 1437, 1440, 1450, 1451, 1464, 1465, 1586, 1589, 2002, 2006-2009, 2031, 2102 note, 2104, 2107, 2114, 2127, 2131-2138, 2141 note,

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2208, 2233, 2301 note, 2302, 2303a, 2304 note, 2305, 2311, 2317, 2318-2323, 2381, 2384, 2384a, 2388, 2392 notes, 2394a, 2401, 2401a, 2402-2405, 2411-2416, 2452 note, 2577, *2637-2639, 2668, 2672a*, 2675, 2687, 2734a, 2777, 2822, 2857, 3031 note, 3359, 3364, 3579, 3686, 3819, 3851, 3964, 4336, 4348, 4657, 5721, 5891, 5897, 6154, 6383, 6389, 6482, 6959, 7204, 7208, 7227, 7421, 7422, 7426, 7430, 7431, 7523, 7572, 7881, 8031 note, 8251 note, 8359, 8686, 8819, 8851, 8964, 9336, 9348, 9441, 9442, 9512; Title 22, §§ 1928, 4601-4611; Title 32, §§ 101, 335; Title 37, §§ 101, 205, 206, 301, 301b, 305a, 306a, 307, 308, 308h note, 402, 403, 403a, 404, 405, 411d, 501, 1007, 1009 note; Title 38, §§ 101 note, 1401, 1402, 1411-1416, 1421-1423, 1431-1436, 1508, 1673, 1781, 1795; Title 42, §§ 1621 note, 2212, 7158 note; Title 46 App., § 1120 note; Title 50, §§ 98d, 98h note, 1541 note; Title 50 App., §§ 456, 2260)

Pub. L. 99-145, title III, § 306, title VI, § 603(a), (b), title VII, § 711(b), title XI, § 1101, title XII, § 1231(f), title XIV, § 1431, title XVI, § 1611, Nov. 8, 1985, 99 Stat. 617, 637, 670, 707, 733, 754, 776 (Title 10, §§ 1451, 1451 note, 2304 note; Title 22, § 1928 note; Title 37, § 403a note; Title 46 App., § 1120 note; Title 50, §§ 98d note, 98h note)

Department of Defense Authorization Act, 1986

Pub. L. 99-145, Nov. 8, 1985, 99 Stat. 583 (See Tables for classifications)

Pub. L. 99-190, § 101(b) [title VIII, § 8093], Dec. 19, 1985, 99 Stat. 1185, 1217

Department of Defense Supplemental Appropriation Authorization Act, 1974

Pub. L. 93-307, June 8, 1974, 88 Stat. 233 (Title 10, § 520 note)

Pub. L. 93-365, title VII, § 705, Aug. 5, 1974, 88 Stat. 406 (Title 10, § 520 note)

Department of Education Appropriation Act, 1985

Pub. L. 98-619, title III, Nov. 8, 1984, 98 Stat. 3321 (Title 12, § 1749a; Title 20, §§ 238, 1070a note, 1070b-3 note)

Department of Education Appropriation Act, 1986

Pub. L. 99-178, title III, §§ 300, 307, Dec. 12, 1985, 99 Stat. 1124, 1128 (Title 12, § 1749a; Title 20, §§ 1070a note, 1070b-3 note)

Department of Education Organization Act

Pub. L. 98-94, title XII, § 1223, Sept. 24, 1983, 97 Stat. 692 (Title 20, § 3442)

Pub. L. 98-511, title VII, § 701(a), Oct. 19, 1984, 98 Stat. 2405 (Title 20, § 3414)

Pub. L. 99-145, title XII, § 1204(a), Nov. 8, 1985, 99 Stat. 720 (Title 20, §§ 3412, 3418, 3442, 3461, 3474, 3479, 3503)

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985

Pub. L. 98-525, title XVI, §§ 1600-1602, 1621-1629, 1631-1635, Oct. 19, 1984, 98 Stat. 2639 (Title 42, §§ 2212, 7158 note)

Pub. L. 99-145, title XV, § 1535, Nov. 8, 1985, 99 Stat. 775

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986

Pub. L. 99-145, title XV, §§ 1532, 1534, Nov. 8, 1985, 99 Stat. 773, 774 (Title 42, §§ 2391 note, 7256a)

Department of Health and Human Services Appropriation Act, 1985

Pub. L. 98-619, title II, Nov. 8, 1984, 98 Stat. 3311 (Title 24, § 168b; Title 42, §§ 210 note, 1383 note)

Department of Health and Human Services Appropriation Act, 1986

Pub. L. 99-178, title II, §§ 200, 208, Dec. 12, 1985, 99 Stat. 1113, 1116, 1119 (Title 24, §§ 168b, 170a; Title 42, §§ 210 note, 1383 note)

Department of Housing and Urban Development Act

Pub. L. 98-479, title I, § 104(b), Oct. 17, 1984, 98 Stat. 2225 (Title 42, § 3535)

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984

Pub. L. 98-45, July 12, 1983, 97 Stat. 219 (Title 12, § 1428a note; Title 36, §§ 121b, 122, 122a)

Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 322

Pub. L. 98-181, title I, title II, § 2006, Nov. 30, 1983, 97 Stat. 1153, 1298 (Title 12, § 1701q note)

Pub. L. 98-473, title I, § 110, Oct. 12, 1984, 98 Stat. 1965

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1985

Pub. L. 98-371, July 18, 1984, 98 Stat. 1213 (Title 12, §§ 1428a note, 1701q note, 1721 note, 1723e note; Title 31, § 1305; Title 36, §§ 121b, 122, 122c)

Pub. L. 98-396, title I, § 1, Aug. 22, 1984, 98 Stat. 1385

Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 331

Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1986

Pub. L. 99-160, Nov. 25, 1985, 99 Stat. 909 (Title 12, §§ 1428a note, 1701q note; Title 36, §§ 121b, 122, 122a; Title 42 §§ 1437d, 1887)

Department of Justice and Related Agencies Appropriation Act, 1984

Pub. L. 98-166, title II, Nov. 28, 1983, 97 Stat. 1080 (Title 11 App., § 408; Title 23, § 114 note; Title 28, § 533 note; Title 42, § 252a)

Department of Justice and Related Agencies Appropriation Act, 1985

Pub. L. 98-411, Aug. 30, 1984, 98 Stat. 1553 (Title 23, § 114 note; Title 28, § 533 note; Title 42, §§ 250a, 3796, 3796a, 3796b)

Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 202, 304

Department of Justice Appropriation Act, 1986

Pub. L. 99-180, title II, Dec. 13, 1985, 99 Stat. 1141 (Title 18, § 3525 note; Title 23, § 114 note; Title 28, § 533 note; Title 42, § 250a)

Department of Labor Appropriation Act, 1984

Pub. L. 98-139, title I, Oct. 31, 1983, 97 Stat. 871 (Title 30, § 962)

Department of Labor Appropriation Act, 1985

Pub. L. 98-619, title I, Nov. 8, 1984, 98 Stat. 3305 (Title 30, § 962)

Department of Labor Appropriation Act, 1986

Pub. L. 99-178, title I, Dec. 12, 1985, 99 Stat. 1102 (Title 30, § 962)

Department of State and Related Agencies Appropriation Act, 1984

Pub. L. 98-166, title III, Nov. 28, 1983, 97 Stat. 1092 (Title 22, § 269a)

Department of State and Related Agencies Appropriation Act, 1985

Pub. L. 98-411, Aug. 30, 1984, 98 Stat. 1564 (Title 22, §§ 269a note, 2873 note)

Pub. L. 99-98, title I, § 100, Aug. 15, 1985, 99 Stat. 308 (Title 22, § 2873 note)

Department of State Appropriation Act, 1986

Pub. L. 99-180, title III, Dec. 13, 1985, 99 Stat. 1149 (Title 22, § 269a note)

Department of State Appropriations Authorization Act of 1973

Pub. L. 99-93, title I, § 117, Aug. 16, 1985, 99 Stat. 412 (Title 22, § 2685)

Department of State Authorization Act, Fiscal Years 1982 and 1983

Pub. L. 98-164, title I, § 137, Nov. 22, 1983, 97 Stat. 1030 (Title 22, § 2656 note)

Department of State Authorization Act, Fiscal Years 1984 and 1985

Pub. L. 98-164, title I, title X, Nov. 22, 1983, 97 Stat. 1017, 1051 (Title 5, §§ 5314, 5315, 5928, 5944; Title 8, § 1522; Title 22, §§ 269f, 287 note, 287b note, 287e note, 287q, 288f-1, 290f, 302, 1928e, 2151, 2291, 2346a note, 2384, 2651 note, 2653, 2656 note, 2671, 2675, 2691 note, 2706, 2707, 3311, 3511, 3902, 3968, 3982, 4021, 4086, 4153, 4154; Title 50, § 1546a)

Pub. L. 99-93, title I, §§ 142, 144, Aug. 16, 1985, 99 Stat. 424 (Title 22, §§ 287 note, 287e note)

Department of the Interior and Related Agencies Appropriations Act, 1981

Pub. L. 98-620, title IV, § 402(41), Nov. 8, 1984, 98 Stat. 3360 (Title 42, § 6508)

Department of the Interior and Related Agencies Appropriation Act, 1983

Pub. L. 97-394, Dec. 30, 1982, 96 Stat. 1966 (Title 16, §§ 20b, 3142; Title 20, §§ 955a, 957a, 962, 963a, 965 note; Title 28, §§ 2415, 2415 note; Title 30, § 241; Title 43, §§ 50, 1752; Title 48, §§ 1401f, 1423*l*, 1469b, 1470a, 1665, 1682, 1683, 1687)

Pub. L. 98-250, § 4(b), Apr. 3, 1984, 98 Stat. 119 (Title 19, § 2415 note)

Department of the Interior and Related Agencies Appropriation Act, 1984

Pub. L. 98-146, Nov. 4, 1983, 97 Stat. 919 (Title 5, § 3372; Title 16, §§ 20b note, 396f, 757e; Title 20, §§ 955a, 957a, 963a, 965 note; Title 25, § 162a; Title 30, § 1257 note; Title 43, §§ 42a, 50, 1752 note; Title 48, §§ 1401f, 1423*l*, 1469b, 1470a, 1574b, 1665, 1682, 1683, 1687)

Pub. L. 98-181, title I, § 1401, Nov. 30, 1983, 97 Stat. 1295

Pub. L. 98-289, § 3, May 21, 1984, 98 Stat. 200

Department of the Interior and Related Agencies Appropriation Act, 1985

Pub. L. 98-473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1837-1876 (Title 5, § 5542; Title 30, § 1231; Title 42, §§ 8713, 8768)

Department of the Interior and Related Agencies Appropriation Act, 1986

Pub. L. 99-190, § 101(d) [title I, § 100, title II, § 200, title III, §§ 315, 320, 324], Dec. 19, 1985, 99 Stat. 1224, 1226, 1228, 1231, 1232, 1235, 1238, 1239, 1245, 1249, 1251, 1253-1256, 1261, 1262, 1266, 1267 (Title 5, § 8336; Title 16, §§ 20b note, 284c note, 1606a; Title 20, § 956a; Title 25, §§ 452 note, 1681; Title 30, § 201 note; Title 36, §§ 1401, 1404 note, 1407, 1409, 1410; Title 42, §§ 5903d, 5915 note, 6240 note, 6865 note, 8791; Title 43, §§ 50, 50a, 1352 note, 1752 note; Title 48, §§ 1401f, 1426*l*, 1469b, 1665, 1682, 1683)

Department of Transportation Act

Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 599 (Title 49 App., § 1655)

Department of Transportation and Related Agencies Appropriations Act, 1983

Pub. L. 98-8, title I, § 101, Mar. 24, 1983, 97 Stat. 15

Department of Transportation and Related Agencies Appropriations Act, 1984

Pub. L. 98-78, Aug. 15, 1983, 97 Stat. 453 (Title 5, § 5546a; Title 14, § 92 note; Title 20, § 241 note; Title 23, §§ 104 note, 120, 307 note, 402 note; Title 33, § 1517a; Title 45, § 851 note; Title 49, § 10344 note; Title 49 App., § 1324 note)

Department of Transportation and Related Agencies Appropriation Act, 1985

Pub. L. 98-473, title I, § 101(l), Oct. 12, 1984, 98 Stat. 1944

Department of Transportation and Related Agencies Appropriation Act, 1986

Pub. L. 99-190, § 101(e) [title I, § 100, title II, § 200, title III, §§ 303, 313, 317, 322, 326-328, 332], Dec. 19, 1985, 99 Stat. 1267, 1269, 1270, 1273, 1275, 1279, 1283-1290 (Title 10, § 2304 note; Title 14, § 92 note; Title 20, § 241 note; Title 23, §§ 104 notes, 119, 125; Title 33, § 1517a; Title 45, §§ 711, 851 note; Title 49, § 10344 note; Title 49 App., §§ 1324 note, 1519, 1604, 1607a note, 1614, 1617 note)

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1984

Pub. L. 98-166, Nov. 28, 1983, 97 Stat. 1071 (Title 15, §§ 636 note, 1517 note; Title 22, § 269a note; Title 23, § 114 note; Title 28, §§ 533 note, note prec. 581, 604 note; Title 33, § 851; Title 42, § 252a)

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985

Pub. L. 98-411, Aug. 30, 1984, 98 Stat. 1545 (Title 22, §§ 269a note, 1465e, 2873 note; Title 23, § 114 note; Title 28, §§ 533 note, 604 note; Title 33, § 851; Title 42, §§ 250a, 3796, 3796 note, 3796a, 3796b; Title 50 App., § 2406 note)

Pub. L. 98-396, title III, § 307, Aug. 22, 1984, 98 Stat. 1424

Pub. L. 98-473, title II, § 6092, Oct. 12, 1984, 98 Stat. 2107 (Title 42, §§ 3796, 3796 note, 3796a, 3796b)

Pub. L. 98-544, § 5, Oct. 24, 1984, 98 Stat. 2751

Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 302, 304, 308 (Title 22, § 2873 note)

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986

Pub. L. 99-180, Dec. 13, 1985, 99 Stat. 1136 (Title 18, § 3525 note; Title 22, § 269a note; Title 23, § 114 note; Title 28, §§ 533 note, 604 note; Title 33 § 851; Title 42, § 250a)

Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1955

Nov. 8, 1984, Pub. L. 98-621, § 10(d)(2), 98 Stat. 3379

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984

Pub. L. 98-139, Oct. 31, 1983, 97 Stat. 871 (Title 12, § 1749a; Title 20, §§ 240, 1070b-3 note, 1070c note; Title 24, §§ 165a, 168b; Title 30, § 962; Title 42, §§ 210 note, 1383 note)

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985

Pub. L. 98-619, Nov. 8, 1984, 98 Stat. 3305 (Title 12, § 1749a; Title 20, §§ 238, 1070a note, 1070b-3 note; Title 24, § 168b; Title 30, § 962; Title 42, §§ 210 note, 1383 note)

Pub. L. 99-91, §§ 6(a), 8, Aug. 15, 1985, 99 Stat. 391, 392 (Title 21, § 360aa note)

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1986

Pub. L. 99-178, Dec. 12, 1985, 99 Stat. 1102 (Title 12, § 1749a; Title 20, §§ 1070a note, 1070b-3 note; Title 24, §§ 168b, 170a; Title 30, § 962; Title 42, §§ 210 note, 1383 note)

Depository Institution Management Interlocks Act

Pub. L. 98-181, title VII, § 701(c), Nov. 30, 1983, 97 Stat. 1267 (Title 12, § 3202)

Developmental Disabilities Act of 1984

Pub. L. 98-527, Oct. 19, 1984, 98 Stat. 2662 (Title 42, §§ 6000-6009, 6021-6030, 6041-6043, 6061-6064, 6081-6083)

Developmental Disabilities Assistance and Bill of Rights Act

Pub. L. 98-221, title III, §§ 301-305, Feb. 22, 1984, 98 Stat. 34, 35 (Title 42, §§ 6001, 6012, 6033, 6061, 6081)

Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662-2684 (Title 42, §§ 6000-6009, 6021-6030, 6041-6043, 6061-6064, 6081-6083)

Pub. L. 99-91, § 6(b), Aug. 15, 1985, 99 Stat. 391 (Title 42, § 6022)

Developmental Disabilities Services and Facilities Construction Act

See Developmental Disabilities Assistance and Bill of Rights Act

Dingley Act (Shipping)

June 26, 1884, ch. 121, 23 Stat. 53 (See Title 46, §§ 2101, 8103, 10314-10316, 10318, 10505-10507, 10901, 10906, 10908, 11103-11106, 11503; Title 46 App., §§ 101, 121, 189)

Diplomatic Relations Act

Pub. L. 98-164, title VI, § 602, Nov. 22, 1983, 97 Stat. 1042 (Title 22, § 254e)

District of Columbia Retirement Reform Act

Pub. L. 98-473, title I, § 131(m), Oct. 12, 1984, 98 Stat. 1975

District of Columbia Revenue Bond Act of 1985

Pub. L. 99-216, Dec. 26, 1985, 99 Stat. 1727

District of Columbia Self-Government and Governmental Reorganization Act

Pub. L. 98-315, June 12, 1984, 98 Stat. 241

Pub. L. 98-316, June 12, 1984, 98 Stat. 242

Pub. L. 98-473, title I, § 131(a)-(j), (*l*), Oct. 12, 1984, 98 Stat. 1974, 1975

Pub. L. 98-621, § 9(c)(2), Nov. 8, 1984, 98 Stat. 3378

Domestic Housing and International Recovery and Financial Stability Act

Pub. L. 98-181, titles I-XI, Nov. 30, 1983, 97 Stat. 1155 (Title 12, §§ 635, 635a, 635a-2, 635a-3, 635a-4, 635b, 635e-635g, 635i-1, 635i-2, 635o-635t, 1437, 1701 note, 1701g-5b, 1701j-2, 1701j-3, 1701p-1, 1701q, 1701r, 1701s, 1701x, 1701z-1, 1701z-6 note, 1701z-10a, 1703, 1706d, 1707, 1709, 1709-1, 1710, 1713, 1715e, 1715h, 1715k, 1715*l*, 1715n, 1715u, 1715v, 1715w, 1715y, 1715z, 1715z-1, 1715z-1a, 1715z-5 to 1715z-7, 1715z-9, 1715z-10, 1715z-12 to 1715z-18, 1720, 1723e, 1735b, 1735c, 1735f-4, 1735f-8, 1735f-9, 1748h-1, 1748h-2, 1749aaa, 1749bbb, 1749bbb-1, 1749bbb-2, 1749bbb-5, 1749bbb-6, 1749bbb-6a, 1749bbb-7 to 1749bbb-9, 1749bbb-10a to 1749bbb-10d, 1749bbb-11 to 1749bbb-20, 1812, 2602, 2614, 2617, 2707, 2803, 2807, 2809, 3202, 3602, 3606, 3609, 3612, 3618, 3620, 3703, 3804, 3901-3912; Title 19, §§ 1671a, 1671b, 1671g; Title 22, §§ 262d, 276c-3, 283z-3, 285x, 285y, 286b, 286b-2,

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286c, 286e-1i, 286e-1k, 286e-2, 286q, 286y, 286z, 286aa-286gg, 290g-12; Title 40, § 484b; Title 42, §§ 602 note, 1436a note, 1437a, 1437c, 1437d, 1437f, 1437g, 1437*l*, 1437n, 1437*o*, 1437p, 1437q, 1439, 1441 note, 1452b, 1456, 1471, 1472, 1474, 1476, 1479-1487, 1490a, 1490c, 1490e, 1490f, 1490i-1490*o*, 1500c, 1500c-2, 2414, 3103, 3542, 3901-3906, 3908, 3909, 3911, 3914, 3936, 4003, 4011, 4012, 4012a, 4013-4020, 4022-4027, 4044, 4051-4056, 4071, 4072, 4081-4084, 4101-4104, 4104e, 4121-4123, 4127, 4511-4524, 4528-4532, 5301-5308, 5312, 5316, 5318, 6872, 8007, 8010, 8107; Title 50 App., § 2166)

Domestic Relations Tax Reform Act of 1984

Pub. L. 98-369, title IV, §§ 421-426, July 18, 1984, 98 Stat. 793-805 (Title 26, §§ 2, 43, 44A, 47, 66, 71, 72, 101, 105, 143, 151, 152, 213, 215, 219, 453, 453B, 682, 1001, 1015, 1041, 1239, 2043, 2053, 2516, 6013, 6676, 7701)

Domestic Volunteer Service Act of 1973

Pub. L. 98-288, §§ 2-30, May 21, 1984, 98 Stat. 189-197 (Title 42, §§ 4951-4956, 4958, 4971, 4972, 4974, 4991-4993, 5001, 5011, 5013, 5024, 5041, 5042, 5044, 5045, 5047, 5052, 5056-5060, 5081, 5082, 5084)

Domestic Volunteer Service Act Amendments of 1984

Pub. L. 98-288, May 21, 1984, 98 Stat. 189 (Title 42, §§ 4951-4956, 4958, 4971, 4972, 4974, 4991-4993, 5001, 5011, 5013, 5024, 5041, 5042, 5044, 5045, 5047, 5052, 5056-5060, 5081, 5082, 5084, 9902, 9912)

Drug Abuse Prevention, Treatment, and Rehabilitation Act

Pub. L. 98-24, §§ 4(a), (b), 5(a)(3), Apr. 26, 1983, 97 Stat. 183 (Title 21, §§ 1117, 1165, 1177)

Pub. L. 98-473, title II, § 1306, Oct. 12, 1984, 98 Stat. 2170 (Title 21, § 1111)

Pub. L. 98-509, title III, § 301(d), Oct. 19, 1984, 98 Stat. 2364 (Title 21, §§ 1161-1165)

Drug Price Competition and Patent Term Restoration Act of 1984

Pub. L. 98-417, Sept. 24, 1984, 98 Stat. 1585 (Title 15, §§ 68b, 68c, 70b; Title 21, §§ 301 note, 355, 360cc; Title 28, § 2201; Title 35, §§ 156, 271, 282)

Dulles International Airport Act

Sept. 7, 1950, ch. 905, 64 Stat. 770 (Title 49 App., § 2421 et seq.)

July 11, 1958, Pub. L. 85-511, 72 Stat. 354 (Title 49 App., § 2432)

Aug. 23, 1958, Pub. L. 85-726, § 1402(g), 72 Stat. 807 (Title 49 App., §§ 2421-2430)

Earthquake Hazards Reduction Act of 1977

Pub. L. 98-241, title I, § 101, Mar. 22, 1984, 98 Stat. 95 (Title 42, § 7706)

Pub. L. 99-105, §§ 1-6, Sept. 30, 1985, 99 Stat. 475, 476 (Title 42, §§ 7704, 7706)

Eastern Pacific Tuna Licensing Act of 1984

Pub. L. 98-445, Oct. 4, 1984, 98 Stat. 1715 (Title 16, §§ 972, 972a-972h)

Economic Recovery Tax Act of 1981

Pub. L. 98-369, title I, § 16, title X, §§ 1041(b), 1074, July 18, 1984, 98 Stat. 505, 1042, 1053 (Title 26, §§ 46, 51 note, 101, 128, 128 note, 265, 854, 857, 3306 note)

Education Amendments of 1978

Pub. L. 98-511, title V, §§ 501(b), 502-512, title VII, § 709(a), Oct. 19, 1984, 98 Stat. 2391-2398 (Title 25, §§ 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018, 2020-2023)

Pub. L. 99-89, §§ 2-9, Aug. 15, 1985, 99 Stat. 379-384 (Title 25, §§ 2001, 2004, 2006, 2008, 2009, 2016, 2020-2023)

Education Amendments of 1980

Pub. L. 98-79, § 7(b), Aug. 15, 1983, 97 Stat. 483 (Title 20, § 1087-1a)

Education Amendments of 1984

Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366 (Title 20, §§ 237-240, 241-1, 241aa, 241bb, 241cc, 241dd, 241ee, 241ff, 631 note, 633, 1070a note, 1078 note, 1089 note, 1201-1207, 1207a, 1208a, 1208b, 1209-1211, 1211a, 1211c, 1221e, 1221e-1, 1221g, 1226c, 1232-1, 1232d, 2701 note, 3221-3223, 3231-3233, 3241-3247, 3251-3255, 3261, 3262, 3341-3348, 3385, 3385a, 3385b, 3414, 3473 note, 3804 note, 4101-4108; Title 25, §§ 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018, 2020-2023)

Education Consolidation and Improvement Act of 1981

Pub. L. 98-211, §§ 1-18(a), 21(a), 22, Dec. 8, 1983, 97 Stat. 1412-1418 (Title 20, §§ 3804-3808, 3811-3816, 3823, 3871-3873, 3876)

Pub. L. 98-312, §§ 4(b), 5, June 12, 1984, 98 Stat. 234 (Title 20, §§ 3804, 3851)

Education for Economic Security Act

Pub. L. 98-377, Aug. 11, 1984, 98 Stat. 1267 (Title 20, §§ 3901, 3902, 3911-3915, 3921-3923, 3931-3933, 3941, 3951-3954, 3961-3973, 3981-3988, 4001-4003, 4011-4021, 4031-4037, 4051-4062, 4071-4074)

Pub. L. 98-558, title VII, § 702, Oct. 30, 1984, 98 Stat. 2900 (Title 20, § 4061)

Pub. L. 99-159, title II, §§ 201, 221-233, 241, 251, 261-264, Nov. 22, 1985, 99 Stat. 893-902 (Title 20, §§ 3902, 3911-3922, 3963-3973, 3982, 3983, 3985-3988, 4003, 4033, 4051, 4053, 4056, 4059)

Education of the Handicapped Act

Pub. L. 98-199, §§ 2-13, 15, Dec. 2, 1983, 97 Stat. 1357-1360, 1363, 1369, 1372, 1374 (Title 20, §§ 1401-1403, 1406, 1407, 1411, 1413, 1418, 1419, 1421-1424a, 1425-1427, 1431-1435, 1441-1444, 1454)

Pub. L. 99-159, title VI, § 601, Nov. 22, 1985, 99 Stat. 904 (Title 20, § 1411)

Education of the Handicapped Act Amendments of 1983

Pub. L. 98-199, Dec. 2, 1983, 97 Stat. 1357 (Title 20, §§ 101 note, 681 note, 1400 note, 1401-1404, 1406, 1407, 1411, 1413, 1414,

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1416-1424, 1424a, 1425-1427, 1431-1435, 1441-1444, 1452, 1454, 1461)

Educational Agencies Financial Aid Act
Oct. 31, 1983, Pub. L. 98-139, title III, § 300, 97 Stat. 889, 891 (Title 20, §§ 240, 1070b-3 note, 1070c note)
Oct. 19, 1984, Pub. L. 98-511, title III, §§ 301(a)(1)-(3), 303(a), (b)(1), 98 Stat. 2388, 2389 (Title 20, §§ 237-240, 241-1)

Educational Mining Act of 1982
Pub. L. 97-406, Jan. 3, 1983, 96 Stat. 2031
Pub. L. 98-396, title I, § 1, Aug. 22, 1984, 98 Stat. 1385

Educational, Scientific, and Cultural Materials Importation Act of 1982
Pub. L. 98-573, title I, § 191(c), Oct. 30, 1984, 98 Stat. 2971

Elementary and Secondary Education Act of 1965
Pub. L. 98-211, §§ 19(a), 21(b), Dec. 8, 1983, 97 Stat. 1418 (Title 20, §§ 2762, 2772, 2782, 3383)
Pub. L. 98-511, title V, § 513(c), Oct. 19, 1984, 98 Stat. 2400 (Title 20, § 3385)
Pub. L. 98-524, § 4(b), Oct. 19, 1984, 98 Stat. 2488 (Title 20, § 3223)
Pub. L. 99-159, title IV, § 402, Nov. 22, 1985, 99 Stat. 904 (Title 20, § 2763)

Emergency Agricultural Credit Act of 1984
Pub. L. 98-258, title VI, Apr. 10, 1984, 98 Stat. 130 (Title 7, § 1921 note)

Emergency Agricultural Credit Adjustment Act of 1978
Pub. L. 98-258, title VI, § 603, Apr. 10, 1984, 98 Stat. 139 (Title 7, note prec. § 1961)

Emergency Energy Conservation Act of 1979
Pub. L. 98-620, title IV, § 402(42), Nov. 8, 1984, 98 Stat. 3360 (Title 42, § 8514)

Emergency Extension Act of 1985
Pub. L. 99-107, Sept. 30, 1985, 99 Stat. 479 (Title 19, § 2271 note; Title 26, § 5701 note; Title 42, § 1395ww note; Title 45, § 360)
Pub. L. 99-155, § 2(d), Nov. 14, 1985, 99 Stat. 814 (Title 42, § 1395ww note)
Pub. L. 99-181, § 4, Dec. 13, 1985, 99 Stat. 1172 (Title 42, § 1395ww note)
Pub. L. 99-189, § 4, Dec. 18, 1985, 99 Stat. 1184 (Title 42, § 1395ww note)
Pub. L. 99-201, § 2, Dec. 23, 1985, 99 Stat. 1665 (Title 42, § 1395ww note)

Emergency Home Purchase Assistance Act of 1974
Pub. L. 98-181, title IV, § 483(a), Nov. 30, 1983, 97 Stat. 1240 (Title 12, § 1723e note)

Emergency Homeowners' Relief Act
Pub. L. 98-479, title II, § 204(m), Oct. 17, 1984, 98 Stat. 2234 (Title 12, §§ 2706, 2709)

Emergency Immigrant Education Act of 1984
Pub. L. 98-511, title VI, Oct. 19, 1984, 98 Stat. 2401 (Title 20, §§ 4101-4108)

Emergency Veterans' Job Training Act of 1983
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Employee Retirement Income Security Act of 1974
Pub. L. 98-369, title V, § 558(b)(1), July 18, 1984, 98 Stat. 899 (Title 29, §§ 1391, 1397, 1399, 1415, 1461)
Pub. L. 98-397, title I, §§ 102-106, Aug. 23, 1984, 98 Stat. 1426-1436 (Title 29, §§ 1025, 1052-1056, 1144)
Pub. L. 98-473, title II, § 229, Oct. 12, 1984, 98 Stat. 2031 (Title 29, §§ 504, 1111)
Pub. L. 98-620, title IV, § 402(33), Nov. 8, 1984, 98 Stat. 3360 (Title 29, § 1303)

Endangered Species Act of 1973
Pub. L. 98-327, § 4, June 25, 1984, 98 Stat. 271 (Title 16, § 1540)

Energy and Water Development Appropriation Act, 1984
Pub. L. 98-50, July 14, 1983, 97 Stat. 247 (Title 43, § 377a)

Energy and Water Development Appropriation Act, 1985
Pub. L. 98-360, July 16, 1984, 98 Stat. 403 (Title 16, § 837g-1; Title 43, § 377a)

Energy and Water Development Appropriation Act, 1986
Pub. L. 99-141, Nov. 1, 1985, 99 Stat. 564 (Title 40 App., § 401 note; Title 43, §§ 377a, 502 note, 618d note, 1472)

Energy Conservation in Existing Buildings Act of 1976
Pub. L. 98-181, title IV, § 464, Nov. 30, 1983, 97 Stat. 1235 (Title 42, § 6872)
Pub. L. 98-479, title I, § 201(h), Oct. 17, 1984, 98 Stat. 2228 (Title 42, § 6863)
Pub. L. 98-558, title IV, §§ 401-404, Oct. 30, 1984, 98 Stat. 2887, 2888 (Title 42, §§ 6862, 6865)

Energy Policy and Conservation Act
Pub. L. 98-239, Mar. 20, 1984, 98 Stat. 93 (Title 42, § 6272)
Pub. L. 98-370, § 2, July 18, 1984, 98 Stat. 1211 (Title 42, § 6276)
Pub. L. 98-454, title VI, § 601(f), Oct. 5, 1984, 98 Stat. 1736 (Title 42, § 6202)
Pub. L. 99-58, title I, §§ 101-105, July 2, 1985, 99 Stat. 102-105 (Title 42, §§ 6239-6241, 6247, 6251, 6264, 6272, 6285, 6401; Title 50 App., § 2071 note)
Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 342 (Title 42, § 6240)

Energy Policy and Conservation Amendments Act of 1985
Pub. L. 99-58, July 2, 1985, 99 Stat. 102 (Title 42, §§ 6201 note, 6239, 6240, 6241, 6247, 6251, 6264, 6272, 6285, 6401, 7277, 7277 notes; Title 50 App., § 2071 note)

Environmental Programs Assistance Act of 1984
Pub. L. 98-313, June 12, 1984, 98 Stat. 235 (Title 42, § 4368a)

Environmental Quality Improvement Act of 1970
Pub. L. 98-581, §§ 1, 2, Oct. 30, 1984, 98 Stat. 3093 (Title 42, §§ 4374, 4375)

Equal Access Act

Pub. L. 98-377, title III, Aug. 11, 1984, 98 Stat. 1302 (Title 20, §§ 4071-4074)

Equal Access to Justice Act

Pub. L. 99-80, §§ 3-5, 6(b), Aug. 5, 1985, 99 Stat. 186 (Title 5, §§ 504, 504 notes; Title 28, §§ 2412, 2412 notes)

Ethics in Government Act of 1978

Pub. L. 98-150, §§ 1-12, Nov. 11, 1983, 97 Stat. 959-963 (Title 2, § 702; Title 5 App., §§ 201-203, 210-212, 401-405, 407; Title 28 App., § 302)

Pub. L. 99-190, § 148(b), Dec. 19, 1985, 99 Stat. 1325 (Title 5 App., § 207)

Ethics in Government Act Amendments of 1985

Pub. L. 99-190, § 148, Dec. 19, 1985, 99 Stat. 1324 (Title 5 App., §§ 201 note, 207, 207 note)

Excellence in Education Act

Pub. L. 98-377, title VI, Aug. 11, 1984, 98 Stat. 1295 (Title 20, §§ 4031-4037)

Expediting Acts (Trusts and Interstate Commerce)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(11), 98 Stat. 3358 (Title 15, § 28)

Export Administration Act of 1979

Pub. L. 98-108, § 1, Oct. 1, 1983, 97 Stat. 744 (Title 50 App., § 2419)

Pub. L. 98-207, Dec. 5, 1983, 97 Stat. 1391 (Title 50 App., § 2419)

Pub. L. 98-222, Feb. 29, 1984, 98 Stat. 36 (Title 50 App., § 2419)

Pub. L. 99-64, title I, §§ 102-115, 116(a), 117-120, July 12, 1985, 99 Stat. 120-155 (Title 50 App., §§ 2401-2406, 2409-2417, 2419)

Export Administration Amendments Act of 1985

Pub. L. 99-64, title I, §§ 101-126, title II, §§ 201-203, July 12, 1985, 99 Stat. 120-159 (Title 5, §§ 5314, 5314 note, 5315; Title 15, §§ 4051-4053; Title 19, § 1864; Title 22, §§ 2304, 2778; Title 30, § 185; Title 46 App., § 466c; Title 50 App., §§ 2401, 2401 note, 2402-2404, 2404 note, 2405, 2405 note, 2406, 2409-2414, 2414 note, 2415, 2416, 2417, 2419)

Export-Import Bank Act of 1945

Oct. 1, 1983, Pub. L. 98-109, § 6, 97 Stat. 746 (Title 12, § 635f)

Nov. 1, 1983, Pub. L. 98-143, 97 Stat. 916 (Title 12, § 635f)

Nov. 30, 1983, Pub. L. 98-181, title VI, §§ 611-623, 97 Stat. 1254-1258, 1260-1262 (Title 12, §§ 635, 635a, 635a-4, 635b, 635e, 635g, 635i-1, 635i-2)

Export-Import Bank Act Amendments of 1983

Pub. L. 98-181, title VI, § 601, Nov. 30, 1983, 97 Stat. 1254 (Title 12, § 635 note)

Extra Long Staple Cotton Act of 1983

Pub. L. 98-88, Aug. 26, 1983, 97 Stat. 494 (Title 7, §§ 1308, 1342 note, 1347, 1421 note, 1427, 1441, 1444)

Fair Housing Act of 1968

Pub. L. 98-620, title IV, § 402(40), Nov. 8, 1984, 98 Stat. 3360 (Title 42, § 3614)

Fair Labor Standards Act of 1938

Nov. 14, 1985, Pub. L. 99-150, §§ 2-8, 99 Stat. 787-791 (Title 29, §§ 203, 207, 211)

Fair Labor Standards Amendments of 1985

Pub. L. 99-150, Nov. 14, 1985, 99 Stat. 787 (Title 29, §§ 201 note, 203, 203 notes, 207, 207 notes, 211, 215 note, 216 notes)

Family Violence Prevention and Services Act

Pub. L. 98-457, title III, §§ 301-312, Oct. 9, 1984, 98 Stat. 1757-1764 (Title 42, §§ 10401-10412)

Farm Credit Act of 1971

Pub. L. 99-198, title XIII, § 1322, Dec. 23, 1985, 99 Stat. 1534 (Title 12, § 2129)

Pub. L. 99-205, titles I, II, III, VI, Dec. 23, 1985, 99 Stat. 1678-1709, 1711 (Title 12, §§ 393, 2001 note, 2002, 2012, 2013, 2031, 2033, 2034, 2051, 2052, 2054, 2072-2074, 2077, 2078, 2091, 2093-2096, 2098, 2122-2126, 2132-2134, 2151-2156, 2161, 2182, 2183, 2199, 2200-2202, 2205, 2206, 2211-2213, 2216-2216k, 2219, 2219a, 2221-2223, 2227, 2241-2244, 2246-2259, 2261-2273, 2275)

Farm Credit Amendments Act of 1985

Pub. L. 99-205, Dec. 23, 1985, 99 Stat. 1678 (Title 5, §§ 5314, 5315; Title 12, §§ 393, 2001 notes, 2002, 2012, 2013, 2031, 2033, 2034, 2051, 2052, 2054, 2072-2074, 2077, 2078, 2091, 2093-2096, 2098, 2122-2126, 2132-2134, 2151-2156, 2161, 2182, 2183, 2199, 2200-2202, 2205, 2206, 2211-2213, 2216, 2216a-2216k, 2219, 2219a, 2221-2223, 2227, 2241, 2241 note, 2242-2244, 2246-2259, 2261-2273, 2275)

Farmland Protection Policy Act

Pub. L. 99-198, title XII, § 1255, Dec. 23, 1985, 99 Stat. 1518 (Title 7, §§ 4207, 4209)

Federal-Aid Highway Act of 1978

Pub. L. 98-78, title I, § 101, Aug. 15, 1983, 97 Stat. 459 (Title 23, § 307 note)

Federal Anti-Tampering Act

Pub. L. 98-127, Oct. 13, 1983, 97 Stat. 831 (Title 18, § 1365; Title 35, § 155A)

Federal Aviation Act of 1958

Pub. L. 98-443, §§ 3, 7, Oct. 4, 1984, 98 Stat. 1703, 1706 (Title 49 App., §§ 1381, 1551)

Pub. L. 98-473, title II, § 232A, Oct. 12, 1984, 98 Stat. 2031 (Title 49 App., § 1472)

Pub. L. 98-499, §§ 2(a), 3, 4(a), 5(a), 6, Oct. 19, 1984, 98 Stat. 2312-2316 (Title 49 App., §§ 1401, 1422, 1429, 1472)

Pub. L. 99-83, title V, § 551(a), (b), Aug. 8, 1985, 99 Stat. 222-225 (Title 49 App. §§ 1356, 1471, 1515)

Pub. L. 99-190, § 101(e) [title III, § 328], Dec. 19, 1985, 99 Stat. 1267, 1289 (Title 49 App., § 1519)

Federal Boat Safety Act of 1971

Pub. L. 92-75, Aug. 10, 1971, 85 Stat. 213 (See Title 46, §§ 2101, 2102, 2106, 2107, 2302, 2305, 4101, 4105, 4301-4311, 6101, 6102, 8903, 8905, 12301-12309, 13101-13110)

Federal Boat Safety Act of 1971—Continued

Pub. L. 94-340, §§ 1-3, July 6, 1976, 90 Stat. 802 (See Title 46, §§ 13103, 13104, 13106)

Pub. L. 94-531, § 1(1)-(12), Oct. 17, 1976, 90 Stat. 2489, 2490 (See Title 46, §§ 4301-4303, 4310, 12302, 12304, 12307, 13103, 13104)

Pub. L. 97-322, title I, §§ 112, 118(a), Oct. 15, 1982, 96 Stat. 1585, 1586 (See Title 46, §§ 2302, 4311, 12309, 13110)

Pub. L. 97-424, title IV, § 421, Jan. 6, 1983, 96 Stat. 2162 (Title 16, § 1606a; See Title 46, §§ 13101, 13102, 13106)

Federal Boating Act of 1958

Pub. L. 85-911, Sept. 2, 1958, 72 Stat. 1754 (See Title 46, §§ 2106, 2107, 4101, 4106)

Pub. L. 86-396, Mar. 28, 1960, 74 Stat. 10 (See Title 46, § 4101)

Pub. L. 87-171, Aug. 30, 1961, 75 Stat. 408

Pub. L. 92-75, § 41(b), Aug. 10, 1971, 85 Stat. 228 (See Title 46, § 4101)

Federal Capital Investment Program Information Act of 1984

Pub. L. 98-501, title II, Oct. 19, 1984, 98 Stat. 2324 (Title 31, § 1105)

Federal Child Support Enforcement Act

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Federal Cigarette Labeling and Advertising Act

Pub. L. 98-474, §§ 4(a), 5(a), 6, Oct. 12, 1984, 98 Stat. 2201, 2203, 2204 (Title 15, §§ 1331-1333, 1335a, 1336-1340)

Pub. L. 99-92, §§ 11(a), (b), 12, Aug. 16, 1985, 99 Stat. 402, 403 (Title 15, §§ 1332, 1333, 1336)

Pub. L. 99-117, § 11(d), Oct. 7, 1985, 99 Stat. 495 (Title 15, § 1333)

Federal Civil Defense Act of 1950

Oct. 19, 1984, Pub. L. 98-525, title VIII, § 802, 98 Stat. 2572 (Title 50 App., § 2260)

Federal Civilian Employee and Contractor Travel Expenses Act of 1985

Pub. L. 99-234, Jan. 2, 1986, 99 Stat. 1756 (Title 2, § 476; Title 5, §§ 5701, 5702, 5706a, 5707, 5724a, 5734; Title 22, § 2396; Title 26, § 4941; Title 28, § 456; Title 31, § 326; Title 41, § 420; Title 42, § 2477)

Federal Coal Mine Health and Safety Act of 1969

Pub. L. 98-620, title IV, § 402(34), Nov. 8, 1984, 98 Stat. 3360 (Title 30, § 816)

Federal Communications Commission Authorization Act of 1983

Pub. L. 98-214, Dec. 8, 1983, 97 Stat. 1467 (Title 47, §§ 154, 156, 157, 223, 303 note, 310, 316, 396, 503, 609 note)

Federal Credit Union Act

July 18, 1984, Pub. L. 98-369, title VIII, §§ 2801-2813(a), 98 Stat. 1203-1206 (Title 12, §§ 1781-1783, 1786, 1795b, 1795k)

Oct. 3, 1984, Pub. L. 98-440, title I, § 105(b), 98 Stat. 1691 (Title 12, § 1757)

Oct. 17, 1984, Pub. L. 98-479, title II, § 206, 98 Stat. 2234 (Title 12, § 1757)

Federal Crop Insurance Act

Dec. 23, 1985, Pub. L. 99-198, title X, § 1021, 99 Stat. 1459 (Title 7, § 1516)

Federal Deposit Insurance Act

May 16, 1983, Pub. L. 98-29, § 1(a), 97 Stat. 189 (Title 12, § 1823)

Nov. 30, 1983, Pub. L. 98-181, title VII, § 702(a), 97 Stat. 1267 (Title 12, § 1812)

Federal District Court Organization Act of 1984

Pub. L. 98-620, title IV, §§ 404-411, Nov. 8, 1984, 98 Stat. 3361 (Title 28, §§ 1 note, 85, 90, 93, 112, 124, 126)

Federal Election Campaign Act of 1971

Pub. L. 98-63, title I, § 908(g), July 30, 1983, 97 Stat. 338 (Title 2, § 441i)

Pub. L. 98-620, title IV, § 402(1), Nov. 8, 1984, 98 Stat. 3357 (Title 2, §§ 437g, 437h)

Federal Employees Flexible and Compressed Work Schedules Act of 1982

Pub. L. 99-69, July 22, 1985, 99 Stat. 167 (Title 5, § 6101 note)

Pub. L. 99-109, Sept. 30, 1985, 99 Stat. 482 (Title 5, § 6101 note)

Pub. L. 99-140, Oct. 31, 1985, 99 Stat. 563 (Title 5, § 6101 note)

Pub. L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324 (Title 5, § 6101 note)

Pub. L. 99-196, Dec. 23, 1985, 99 Stat. 1350 (Title 5, § 6101 note)

Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983

Pub. L. 98-168, title II, Nov. 29, 1983, 97 Stat. 1106 (Title 5, § 8331 note)

Pub. L. 99-190, § 147, Dec. 19, 1985, 99 Stat. 1324 (Title 5, § 8331 note)

Federal Fire Prevention and Control Act of 1974

Pub. L. 98-241, title II, §§ 201, 202, Mar. 22, 1984, 98 Stat. 95, 96 (Title 15, §§ 2214, 2216)

Pub. L. 99-97, Sept. 26, 1985, 99 Stat. 465 (Title 15, § 2216)

Federal Flood Insurance Act of 1956

Nov. 30, 1983, Pub. L. 98-181, title IV, § 451(f), 97 Stat. 1229 (Title 42, § 2414)

Oct. 17, 1984, Pub. L. 98-479, title II, § 203(g), 98 Stat. 2230 (Title 42, § 2414)

Federal Food, Drug, and Cosmetic Act

Sept. 24, 1984, Pub. L. 98-417, title I, §§ 101-104, 98 Stat. 1585-1597 (Title 21, §§ 355, 360cc)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(25), 98 Stat. 3359 (Title 21, §§ 346a, 348)

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Federal Hazardous Substances Act

Pub. L. 98-491, § 2, Oct. 17, 1984, 98 Stat. 2269 (Title 15, § 1274)

Federal Home Loan Bank Act

Nov. 30, 1983, Pub. L. 98-181, title VII, § 702(b), 97 Stat. 1267 (Title 12, § 1437)

Oct. 17, 1984, Pub. L. 98-479, title II, § 207, 98 Stat. 2235 (Title 12, § 1425a)

Federal Home Loan Mortgage Corporation Act
- Pub. L. 98-35, § 5, May 26, 1983, 97 Stat. 198 (Title 12, § 1455)
- Pub. L. 98-369, title I, § 177(a), July 18, 1984, 98 Stat. 709 (Title 12, § 1452)
- Pub. L. 98-440, title II, §§ 201(b)-203(b), 204, 205(b), 206(b), 210, 211, Oct. 3, 1984, 98 Stat. 1693-1697 (Title 12, §§ 1451, 1454, 1455)
- Pub. L. 98-479, title II, § 204(h), Oct. 17, 1984, 98 Stat. 2233 (Title 12, § 1457)

Federal Insecticide, Fungicide, and Rodenticide Act
- Dec. 2, 1983, Pub. L. 98-201, §§ 1, 2, 97 Stat. 1379, 1380 (Title 7, §§ 136w, 136y)
- Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(4), 98 Stat. 3357 (Title 7, §§ 136d, 136h, 136n, 136w)
- Dec. 23, 1985, Pub. L. 99-198, title XVII, § 1768, 99 Stat. 1656 (Title 7, § 136y)

Federal Land Policy and Management Act of 1976
- Pub. L. 98-300, May 25, 1984, 98 Stat. 215 (Title 43, § 1764)
- Pub. L. 98-540, § 2, Oct. 24, 1984, 98 Stat. 2718 (Title 43, § 1737)

Federal Meat Inspection Act
- Pub. L. 98-487, § 1, Oct. 17, 1984, 98 Stat. 2264 (Title 21, § 661)
- Pub. L. 99-198, title XVII, § 1702, Dec. 23, 1985, 99 Stat. 1634 (Title 21, § 620)

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- Pub. L. 95-251, § 2(a)(9), Mar. 27, 1978, 92 Stat. 183 (Title 30, §§ 804, 938)
- Pub. L. 98-620, title IV, § 402(34), Nov. 8, 1984, 98 Stat. 3360 (Title 30, § 816)

Federal National Mortgage Association Charter Act
- Nov. 30, 1983, Pub. L. 98-181, title IV, §§ 481, 483, 97 Stat. 1239, 1240 (Title 12, §§ 1720, 1721, 1723e)
- Oct. 3, 1984, Pub. L. 98-440, title II, §§ 201, 203, 205(a), 206(a), 207-209, 213, 98 Stat. 1692, 1693, 1695, 1696, 1698 (Title 12, §§ 1717, 1723, 1723a, 1723c)
- Oct. 17, 1984, Pub. L. 98-479, title II, §§ 201(b), 203(a)(1)-(5), 98 Stat. 2227, 2229 (Title 12, §§ 1717, 1719, 1721, 1723a, 1723g, 1723h)

Federal Physicians Comparability Allowance Act of 1978
- Pub. L. 98-168, title I, § 102(b), Nov. 29, 1983, 97 Stat. 1105 (Title 5, § 5948 note)

Federal Physicians Comparability Allowance Amendments of 1983
- Pub. L. 98-168, title I, Nov. 29, 1983, 97 Stat. 1105 (Title 5, § 5948)

Federal Property and Administrative Services Act of 1949
- Dec. 1, 1983, Pub. L. 98-191, §§ 8(d), 9(a), 97 Stat. 1331 (Title 40, §§ 474, 481, 487; Title 41, § 252)
- July 18, 1984, Pub. L. 98-369, title VII, §§ 2711(a), 2712, 2713(a), 2714(a)(1), (3)-(6), 98 Stat. 1175-1185 (Title 40, § 759; Title 41, §§ 252, 253, 253a, 253b, 254, 257-260)
- Oct. 12, 1984, Pub. L. 98-473, title II, § 701, 98 Stat. 2129 (Title 40, § 484)
- Oct. 30, 1984, Pub. L. 98-577, title II, §§ 201(a), 202(a), 203(a), 204(a), 205(a), 206(a), 98 Stat. 3068-3073 (Title 41, §§ 253b-253g)
- Nov. 8, 1985, Pub. L. 99-145, title IX, § 961(a)(2), (c), title XIII, § 1304(c), 99 Stat. 703, 742 (Title 40, § 759; Title 41, §§ 253, 253c-253g)

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- Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8 (Title 49 App., § 1601c)

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- Pub. L. 94-575, Oct. 21, 1976, 90 Stat. 2723 (Title 44, §§ 2107, 2112, 2115, 2116, 2901, 2902, 2904, 2906, 2907, 3102, 3103, 3107, 3301, 3302)

Federal Rules of Criminal Procedure
- Pub. L. 98-473, title II, § 215, Oct. 12, 1984, 98 Stat. 2014 (Title 18 App., Rule 32)
- Pub. L. 98-596, § 11, Oct. 30, 1984, 98 Stat. 3138 (Title 18 App., Rule 12.2)

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- Pub. L. 98-473, title II, § 406, Oct. 12, 1984, 98 Stat. 2067 (Title 28 App., Rule 704)

Federal Salary Act of 1967
- Pub. L. 99-190, § 135(a)-(f), Dec. 19, 1985, 99 Stat. 1322, 1323 (Title 2, §§ 352, 356-360)

Federal Seed Act
- Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(7), 98 Stat. 3357 (Title 7, §§ 1600, 1601)

Federal Supplemental Compensation Act of 1982
- Pub. L. 98-92, § 1(a), Sept. 2, 1983, 97 Stat. 608 (Title 26, § 3304 note)
- Pub. L. 98-118, § 1, Oct. 11, 1983, 97 Stat. 803 (Title 26, § 3304 note)
- Pub. L. 98-135, title I, §§ 101, 102, Oct. 24, 1983, 97 Stat. 857 (Title 26, § 3304 note)
- Pub. L. 99-15, § 1(a), Apr. 4, 1985, 99 Stat. 37 (Title 26, § 3304 note)

Federal Supplemental Compensation Amendments of 1983
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Federal Timber Contract Payment Modification Act
- Pub. L. 98-478, Oct. 16, 1984, 98 Stat. 2213 (Title 16, §§ 539f, 618, 619)

Federal Trade Commission Act
- Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(12), 98 Stat. 3358 (Title 15, § 45)

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- Pub. L. 98-620, title IV, § 402(13), Nov. 8, 1984, 98 Stat. 3358 (Title 15, § 57a-1)

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- Mar. 10, 1908, ch. 75, 35 Stat. 40 (Title 43, § 1064)
- Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(43), 98 Stat. 3360 (Title 43, § 1062)

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Fishery Conservation and Management Act of 1976

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Fishery Conservation Zone Transition Act

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Pub. L. 98-181, title IV, § 451(e), Nov. 30, 1983, 97 Stat. 1229 (Title 42, §§ 4003, 4012a, 4105-4107, 4128)

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Florida Wilderness Act of 1983

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Follow Through Act

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Food and Agriculture Act of 1977

Pub. L. 99-198, title X, § 1014, title XIV, § 1441, title XVII, § 1763(a), Dec. 23, 1985, 99 Stat. 1456, 1560, 1651 (Title 7, §§ 1309, 2266, 2267)

Food for Peace Act of 1966

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Food Security Act of 1985

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Food Security Wheat Reserve Act of 1980

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Foreign Agents Registration Act of 1938

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(26), 98 Stat. 3359 (Title 22, § 618)

Foreign Assistance Act of 1961

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Pub. L. 99-93, title I, § 129, Aug. 16, 1985, 99 Stat. 419 (Title 22, § 2357)

Foreign Assistance Act of 1961—Continued

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Foreign Assistance Act of 1969

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Fur Seal Act of 1966

Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 835-846 (Title 16, §§ 1151-1159, 1161-1169, 1171-1175)

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General Bridge Act of 1946

Oct. 30, 1984, Pub. L. 98-557, § 17(f)(2), 98 Stat. 2869 (Title 33, § 525)

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General Provisions

Oct. 19, 1984, Pub. L. 98-497, title I, § 107(d), 98 Stat. 2291 (Title 1, §§ 106a, 106b, 112, 113, 201)

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GI Bill Improvement Act of 1977

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Gold Bullion Coin Act of 1985

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Pub. L. 98-473, title I, §§ 101(c) [Sec. 322], 120, title II, §§ 609J, 1701(b), Oct. 12, 1984, 98 Stat. 1874, 1968, 1969, 2102, 2185 (Title 5, §§ 5314, 5315, 5542, 5723, 5724b, 5724c)

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Pub. L. 98-497, title I, § 107(g), (h), Oct. 19, 1984, 98 Stat. 2292 (Title 5, §§ 552a, 5314)

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Pub. L. 99-80, §§ 1, 6(a), (b)(1), Aug. 5, 1985, 99 Stat. 183, 186 (Title 5, § 504)

Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 351 (Title 5, §§ 5532, 8344)

Pub. L. 99-93, title I, §§ 115(b), 116(b), title VII, § 704(a), Aug. 16, 1985, 99 Stat. 411, 412, 445 (Title 5, §§ 5314-5316)

Pub. L. 99-145, title V, § 504(b), title VIII, § 809(c), title XII, §§ 1204(c), 1225(b), 1242, title XVI, § 1622(a), Nov. 8, 1985, 99 Stat. 622, 681, 721, 730, 735, 777 (Title 5, §§ 3328, 4512, 4514, 5102, 5316, 5343, 5911)

Pub. L. 99-169, title VIII, § 801, Dec. 4, 1985, 99 Stat. 1008 (Title 5, § 9101)

Pub. L. 99-198, title XI, § 1113(d), Dec. 23, 1985, 99 Stat. 1480 (Title 5, § 5312)

Pub. L. 99-224, § 1, Dec. 28, 1985, 99 Stat. 1741 (Title 5, § 5584)

Pub. L. 99-234, title I, §§ 101-103(a), 104-106, Jan. 2, 1986, 99 Stat. 1756-1758 (Title 5, §§ 5701, 5702, 5706a, 5707, 5724a, 5734)

Grand Ronde Restoration Act
Pub. L. 98-165, Nov. 22, 1983, 97 Stat. 1064 (Title 25, §§ 713-713g)

Great Lakes Pilotage Act of 1960
Pub. L. 86-555, June 30, 1960, 74 Stat. 259 (See Title 46, §§ 2101, 2106, 2107, 9301-9308)
Pub. L. 95-455, § 1, Oct. 13, 1978, 92 Stat. 1228, 1229 (See Title 46, §§ 2101, 2106, 2107, 9302, 9308)

Harry S Truman Memorial Scholarship Act
Pub. L. 99-159, title V, § 501, Nov. 22, 1985, 99 Stat. 904 (Title 20, § 2007)

Hazardous and Solid Waste Amendments of 1984
Pub. L. 98-616, Nov. 8, 1984, 98 Stat. 3221 (Title 42, §§ 6901, 6902, 6905, 6912, 6915-6917, 6921-6932, 6935-6939, 6939a, 6941, 6943-6945, 6948, 6949a, 6956, 6962, 6972, 6973, 6976, 6979a, 6979b, 6982, 6984, 6991, 6991a-6991i)

Hazardous Liquid Pipeline Safety Act of 1979
Pub. L. 98-464, §§ 2, 3(b), 5, 7(b), Oct. 11, 1984, 98 Stat. 1821-1823 (Title 49 App., §§ 2009, 2010, 2012, 2013)

Hazardous Materials Transportation Act
Pub. L. 93-633, title I, Jan. 3, 1975, 88 Stat. 2156 (See Title 46, §§ 2106, 3306(a)(5); See Title 49, §§ 103, 104, 106; Title 49 App., §§ 1471, 1472, 1801-1812)
Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 599 (See Title 46, §§ 2106, 3306(a)(5))
Pub. L. 98-559, §§ 1(a), (b)(1), 2, 3, Oct. 30, 1984, 98 Stat. 2907 (Title 49 App., §§ 1808, 1812, 1813)

Head Start Act
Pub. L. 98-558, title I, §§ 101-108, Oct. 30, 1984, 98 Stat. 2878-2880 (Title 42, §§ 9832, 9834-9836, 9840, 9843, 9844, 9846)

Health Professions Training Assistance Act of 1985
Pub. L. 99-129, Oct. 22, 1985, 99 Stat. 523 (Title 42, §§ 201 note, 254*l*, 254*l* note, 292a-292c, 292h, 292h notes, 292j, 293c, 293c notes, 294a, 294b, 294d, 294d notes, 294e, 294g, 294j, 294m, 294n, 294n notes, 294*o*, 294p, 294q-1 to 294q-3, 294z, 295, 295a to 295d-2, 295e to 295e-5, 295f to 295f-2, 295g to 295g-8b, 295g-9, 295h to 295h-1c, 296k-296m, 297a, 298b-5, 298b-5 note, 300aa-14, 300aa-14 notes; Title 50 App., § 462 note)

Health Promotion and Disease Prevention Amendments of 1984
Pub. L. 98-551, Oct. 30, 1984, 98 Stat. 2815 (Title 21, §§ 360bb, 360ee; Title 42, §§ 201 note, 242b, 242c, 242m, 242n, 242r, 300u, 300u-3, 300u-5 to 300u-9)

Health Research Extension Act of 1985
Pub. L. 99-158, Nov. 20, 1985, 99 Stat. 820 (Title 42, §§ 201 note, 217a, 218, 218 note, 241, 275 to 280a-1, 280b to 280b-2, 280b-4, 280b-5, 280b-7 to 280b-11, 281, 281 notes, 282-284a, 284c, 285 to 285a-5, 285b to 285b-6, 285c, 285c note, 285c-1 to 285c-7, 285d to 285d-7, 285e, 285e note, 285e-1, 285e-2, 285e-2 note, 285f to 285g-3, 285h to 285j-1, 285j-1 note, 285j-2, 285k, 285*l*, 286 to 286a-1, 286b to 286b-8, 286c-286e, 287 to 387a-1, 287b, 387c to 287c-3, 287d-287i, 287i note, 288-288b, 289 to 289c-1a, 289c-2 to 289c-7, 289d, 289d note, 289e-289k, 289k-2 to 289k-5, 289*l* to 289*l*-8, 290aa-5, 300c-12)

Health Services Amendments of 1985
Pub. L. 99-117, Oct. 7, 1985, 99 Stat. 491 (Title 15, § 1333; Title 42, §§ 201 note, 207, 210, 210 note, 213a, 241 note, 242c, 242n, 242n note, 243, 246, 247, 247b, 247e, 253, 254a-1, 290aa-3, 299-299j, 300d-4, 300d-6, 300x-4, 300x-5, 300x-9, 300aa-4)

Helen Keller National Center Act
Pub. L. 98-221, title II, §§ 201, 206, 207, Feb. 22, 1984, 98 Stat. 32, 34 (Title 29, §§ 1901 note, 1905, 1906)

High Plains States Groundwater Demonstration Program Act of 1983
Pub. L. 98-434, Sept. 28, 1984, 98 Stat. 1675 (Title 43, §§ 390g to 390g-8)

Higher Education Act of 1965
Pub. L. 98-79, §§ 2, 3, 5(a), (b)(1), 6, 7(a), (e), 8, 10(a), (b), 11, 12, Aug. 15, 1983, 97 Stat. 476, 478, 481-484 (Title 20, §§ 1071, 1077, 1077a, 1078, 1078-2, 1083a, 1087-1, 1087-2, 1087cc-1, 1098)
Pub. L. 98-95, §§ 2, 3, Sept. 26, 1983, 97 Stat. 708-711 (Title 20, §§ 1065a, 1069c)
Pub. L. 98-312, § 1, June 12, 1984, 98 Stat. 233 (Title 20, § 1069c)
Pub. L. 98-524, § 4(c), Oct. 19, 1984, 98 Stat. 2488 (Title 20, §§ 1013, 1014, 1135c-1)
Pub. L. 98-558, title VII, § 701, title VIII, § 801, Oct. 30, 1984, 98 Stat. 2894-2902 (Title 20, §§ 1070d-31 to 1070d-39, 1070d-41, 1070e, 1070e-1, 1119d, 1119d-1 to 1119d-8, 1119e, 1119e-1 to 1119e-5)
Pub. L. 99-145, title XVI, § 1627, Nov. 8, 1985, 99 Stat. 779 (Title 20, §§ 1070d-31, 1070d-33, 1070d-35)
Pub. L. 99-159, title VIII, § 802, Nov. 22, 1985, 99 Stat. 908 (Title 20, § 1134h)

Highway Improvement Act of 1982
Pub. L. 98-229, § 10, Mar. 9, 1984, 98 Stat. 55 (Title 23, § 101 note)

Highway Revenue Act of 1982
Pub. L. 98-369, title VII, §§ 732(b), 734(a), (d), (e), (h), (l), title IX, § 901, July 18, 1984, 98 Stat. 977, 980, 1003 (Title 26, §§ 4061, 4081 note, 4481)

Highways
Pub. L. 98-17, § 2, Apr. 5, 1983, 97 Stat. 60 (Title 23, § 127 note)
Pub. L. 98-76, title II, § 318, Aug. 15, 1983, 97 Stat. 473 (Title 23, § 120)
Pub. L. 98-229, § 8, Mar. 9, 1984, 98 Stat. 56 (Title 23, §§ 119, 139)
Pub. L. 98-363, §§ 3(a), (b), 4, 5, 6(a), 7, July 17, 1984, 98 Stat. 436-438 (Title 23, §§ 158, 401, 402, 408)
Pub. L. 98-473, title II, § 226, Oct. 12, 1984, 98 Stat. 2030 (Title 23, § 114)

Highways—Continued

Pub. L. 99-190, § 101(e) [title III, §§ 327, 334], Dec. 19, 1985, 99 Stat. 1267, 1289, 1290 (Title 23, §§ 119, 125)

Home Mortgage Disclosure Act of 1975

Pub. L. 98-181, title VII, § 701(a), (b), Nov. 30, 1983, 97 Stat. 1266 (Title 12, §§ 2803, 2807, 2809)

Pub. L. 99-120, § 5(c), Oct. 8, 1985, 99 Stat. 504 (Title 12, § 2811)

Pub. L. 99-156, § 5(c), Nov. 15, 1985, 99 Stat. 817 (Title 12, § 2811)

Pub. L. 99-219, § 5(c), Dec. 26, 1985, 99 Stat. 1732 (Title 12, § 2811)

Home Owners' Loan Act of 1933

Oct. 3, 1984, Pub. L. 98-440, title I, § 105(a), 98 Stat. 1691 (Title 12, § 1464)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(9), 98 Stat. 3357 (Title 12, § 1464)

Honey Research, Promotion, and Consumer Information

Pub. L. 98-590, Oct. 30, 1984, 98 Stat. 3115 (Title 7, §§ 4601-4612)

Hoover Power Plant Act of 1984

Pub. L. 98-381, Aug. 17, 1984, 98 Stat. 1333 (Title 16, § 839b note; Title 42, §§ 7133 note, 7274, 7275; Title 43, §§ 617 note, 617a, 617b, 618, 618a, 618k, 619, 619a, 619b, 1543)

Household Goods Transportation Act of 1980

Pub. L. 96-454, Oct. 15, 1980, 94 Stat. 2011 (Title 26, § 250; Title 28, § 2342; Title 39, § 5201; Title 49, §§ 10101 note, 10102, 10322, 10342, 10526, 10528, 10721, 10735, 10922, 10934, 11348, 11711 11901, 11917)

Housing Act of 1948

Oct. 17, 1984, Pub. L. 98-479, title I, § 202(b), 203(c), 98 Stat. 2228 (Title 12, § 1701c)

Housing Act of 1949

May 26, 1983, Pub. L. 98-35, § 3, 97 Stat. 198 (Title 42, §§ 1485, 1487, 1490c)

Oct. 1, 1983, Pub. L. 98-109, § 4, 97 Stat. 746 (Title 42, §§ 1485, 1487, 1490c)

Nov. 30, 1983, Pub. L. 98-181, title I, § 126(b)(1), title V, §§ 502-523, 97 Stat. 1175, 1240-1254 (Title 42, §§ 1456, 1471, 1472, 1474, 1476, 1479-1487, 1490, 1490a, 1490c, 1490e-1490g, 1490l-1490*o*)

Oct. 17, 1984, Pub. L. 98-479, title I, § 105, title II, §§ 201(c), 202(c), 203(d), 98 Stat. 2226, 2228, 2229 (Title 12, § 1701h; Title 42, §§ 1452, 1456, 1471, 1472, 1480, 1483, 1485, 1487, 1490, 1490a, 1490b)

Oct. 8, 1985, Pub. L. 99-120, § 3, 99 Stat. 503 (Title 42, §§ 1485, 1490, 1490c)

Nov. 15, 1985, Pub. L. 99-156, § 3, 99 Stat. 816 (Title 42, §§ 1485, 1490, 1490c)

Dec. 26, 1985, Pub. L. 99-219, § 3, 99 Stat. 1731 (Title 42, §§ 1485, 1490, 1490c)

Housing Act of 1950

Oct. 31, 1983, Pub. L. 98-139, title III, § 308, 97 Stat. 895 (Title 12, § 1749a)

Oct. 17, 1984, Pub. L. 98-479, title II, §§ 201(d), 203(e), 204(d), 98 Stat. 2228 (Title 12, §§ 1749a, 1749c)

Housing Act of 1959

Pub. L. 98-181, title II, § 223(a)(1), (b)-(e), Nov. 30, 1983, 97 Stat. 1189, 1190 (Title 12, § 1701q)

Pub. L. 98-479, title I, § 102(c), title II, §§ 201(e), 203(h), Oct. 17, 1984, 98 Stat. 2222, 2230 (Title 12, § 1701q)

Housing Act of 1961

Pub. L. 98-181, title I, § 126(b)(3), Nov. 30, 1983, 97 Stat. 1175 (Title 42, §§ 1500c, 1500c-2)

Housing Act of 1964

Pub. L. 98-109, § 3, Oct. 1, 1983, 97 Stat. 746 (Title 42, § 1452b)

Pub. L. 98-181, title I, § 124, Nov. 30, 1983, 97 Stat. 1174 (Title 42, § 1452b)

Pub. L. 99-120, § 2, Oct. 8, 1985, 99 Stat. 503 (Title 42, § 1452b)

Pub. L. 99-156, § 2, Nov. 15, 1985, 99 Stat. 816 (Title 42, § 1452b)

Pub. L. 99-219, § 2, Dec. 26, 1985, 99 Stat. 1731 (Title 42, § 1452b)

Housing Amendments of 1955

Oct. 17, 1984, Pub. L. 98-479, title II, § 203(f), 98 Stat. 2230 (Title 42, § 1493)

Housing and Community Development Act of 1974

Pub. L. 98-181, title I, §§ 101-104, 105(a), (b)(1), (c)-(e), 106-109, 110a, 121, 122, title II, § 201(a)(1), (2), title III, § 302, title IV, § 462, Nov. 30, 1983, 97 Stat. 1159-1161, 1163, 1164-1170, 1175, 1206, 1232 (Title 12, §§ 1701j-2, 1706e; Title 42, §§ 1439, 5301-5308, 5312, 5316, 5318)

Pub. L. 98-454, title VI, § 601(c), Oct. 5, 1984, 98 Stat. 1736 (Title 42, § 5318)

Pub. L. 98-479, title I, § 101(a), Oct. 17, 1984, 98 Stat. 2218-2220 (Title 12, §§ 1706e; Title 42, §§ 5302, 5304-5306, 5312)

Pub. L. 99-120, § 5(a), Oct. 8, 1985, 99 Stat. 504 (Title 42, § 5302)

Pub. L. 99-156, § 5(a), Nov. 15, 1985, 99 Stat. 816 (Title 42, § 5302)

Pub. L. 99-219, § 5(a), Dec. 26, 1985, 99 Stat. 1731 (Title 42, § 5302)

Housing and Community Development Amendments of 1978

Pub. L. 98-181, title II, § 217, Nov. 30, 1983, 97 Stat. 1186 (Title 12, §§ 1715z-1, 1715z-1a)

Pub. L. 98-479, title II, § 204(n), Oct. 17, 1984, 98 Stat. 2234 (Title 12, §§ 1701z-13, 1715z-1a; Title 42, § 3541)

Housing and Community Development Amendments of 1981

Pub. L. 98-181, title I, § 105(b)(2), Nov. 30, 1983, 97 Stat. 1164 (Title 42, § 5305 note)

Housing and Community Development Technical Amendments Act of 1984

Pub. L. 98-479, Oct. 17, 1984, 98 Stat. 2218 (Title 12, §§ 1425a, 1457, 1701c, 1701h, 1701q, 1701s, 1701x, 1701z-2, 1701z-6 note, 1701z-13, 1702, 1705, 1706e, 1709, 1713, 1715b note, 1715d, 1715e, 1715h, 1715n, 1715y, 1715z, 1715z-1, 1715z-1a, 1715z-5 to

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Housing and Urban Development Act of 1965

Pub. L. 98-181, title I, § 126(b)(2), title II, §§ 203(b)(3), 219, Nov. 30, 1983, 97 Stat. 1175, 1178, 1187 (Title 12, § 1701s; Title 42, § 3103)

Pub. L. 98-479, title I, § 102(d), title II, § 204(e), Oct. 17, 1984, 98 Stat. 2222, 2233 (Title 12, § 1701s; Title 42, § 1439)

Housing and Urban Development Act of 1968

Pub. L. 98-181, title IV, §§ 465, 467, 474(e), Nov. 30, 1983, 97 Stat. 1236, 1239 (Title 12, § 1701x; Title 42, §§ 1436a note, 3901-3906, 3908, 3909, 3911, 3914, 3936, 4511-4524, 4528-4532)

Pub. L. 98-479, title I, § 104(c), Oct. 17, 1984, 98 Stat. 2225 (Title 42, §§ 3936, 3938)

Housing and Urban Development Act of 1969

Pub. L. 98-181, title I, § 126, Nov. 30, 1983, 97 Stat. 1175 (Title 40, § 484b)

Housing and Urban Development Act of 1970

Pub. L. 98-35, § 6, May 26, 1983, 97 Stat. 198, 199 (Title 12, § 1701z-3)

Pub. L. 98-181, title IV, §§ 466, 474(e), Nov. 30, 1983, 97 Stat. 1236, 1238 (Title 12, § 1701z-1; Title 42, §§ 1436a note, 3901-3906, 3908, 3911, 3914, 3914, 4511-4524, 4528-4532)

Pub. L. 98-479, title II, § 203(k), Oct. 17, 1984, 98 Stat. 2231 (Title 12, § 1701z-2)

Housing and Urban-Rural Recovery Act of 1983

Pub. L. 98-181, titles I-V, Nov. 30, 1983, 97 Stat. 1155 (Title 12, §§ 1701 note, 1701g-5b, 1701j-2, 1701j-3, 1701p-1, 1701q, 1701r, 1701s, 1701x, 1701z-1, 1701z-6 note, 1701z-10a, 1703, 1706, 1707, 1709, 1709-1, 1710, 1713, 1715e, 1715h, 1715k, 1715*l*, 1715n, 1715u, 1715v, 1715w, 1715y, 1715z, 1715z-1, 1715z-1a, 1715z-5 to 1715z-7, 1715z-9, 1715z-10, 1715z-12 to 1715z-18, 1720, 1723e, 1735b, 1735c, 1735f-4, 1735f-8, 1735f-9, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb, 1749bbb-1, 1749bbb-2, 1749bbb-5, 1749bbb-6, 1749bbb-6a, 1749bbb-7 to 1749bbb-9, 1749bbb-10a to 1749bbb-10d, 1749bbb-11 to 1749bbb-20, 2602, 2614, 2617, 2707, 3602, 3606, 3609, 3612, 3618, 3620, 3703, 3804; Title 40, § 484b; Title 42, §§ 602 note, 1436a note, 1437a, 1437c, 1437d, 1437f, 1437g, 1437m, 1437p, 1437q, 1437*o*, 1439, 1441 note, 1452b, 1456, 1471, 1472, 1474, 1476, 1479-1487, 1490a, 1490c, 1490e, 1490f, 1490i-1490*o*, 1500c, 1500c-2, 2414, 3103, 3542, 3901-3906, 3908, 3909, 3911, 3914, 3936, 4003, 4011, 4012, 4012a, 4013-4020, 4022-4027, 4044, 4051-4056, 4071, 4072, 4081-4084, 4101-4104, 4104e, 4121-4123, 4127, 4511-4524, 4528-4532, 5301-5308, 5312, 5316, 5318, 6872, 8007, 8010, 8107)

Pub. L. 98-479, title I, §§ 101(b), 104(e)(1), Oct. 17, 1984, 98 Stat. 2220, 2226 (Title 12, § 3612; Title 42, §§ 5316 note, 5318 note)

Pub. L. 99-120, § 5(b), Oct. 8, 1985, 99 Stat. 504 (Title 12, § 1701q note)

Pub. L. 99-156, § 5(b), Nov. 15, 1985, 99 Stat. 817 (Title 12, § 1701q note)

Pub. L. 99-219, § 5(b), Dec. 26, 1985, 99 Stat. 1732 (Title 12, § 1701q note)

Howard University Endowment Act

Pub. L. 98-480, title II, Oct. 17, 1984, 98 Stat. 2245 (Title 20, §§ 123, 130aa to 130aa-5)

Human Services Reauthorization Act

Pub. L. 98-558, Oct. 30, 1984, 98 Stat. 2878 (Title 20, §§ 1070d-31 to 1070d-39, 1070d-41, 1070e, 1070e-1, 1119d, 1119d-1 to 1119d-8, 1119e, 1119e-1 to 1119e-5, 4061, 4201-4206; Title 42, §§ 2991 note, 2991b, 2992b-2992d, 6862, 6865, 8621-8624, 8626, 8627, 8629, 9801 note, 9832, 9834-9836, 9840, 9843, 9844, 9846, 9861 note, 9862, 9871-9877, 9901, 9902, 9904, 9905a, 9908, 9910, 9910a)

Hyde Amendment

Pub. L. 98-139, title II, § 204, Oct. 31, 1983, 97 Stat. 887

Pub. L. 98-525, title XIV, § 1401(e)(5)(A), Oct. 19, 1984, 98 Stat. 2617 (Title 10, § 1093)

Pub. L. 98-619, title II, § 204, Nov. 8, 1984, 98 Stat. 3321

Pub. L. 99-178, title II, § 204, Dec. 12, 1985, 99 Stat. 1119

Illinois and Michigan Canal National Heritage Corridor Act of 1984

Pub. L. 98-398, Aug. 24, 1984, 98 Stat. 1456 (Title 16, §§ 450jj note, 450jj-3 to 450jj-9, 461 note)

Immigration and Nationality Act

Nov. 22, 1983, Pub. L. 98-164, title 10, § 1011(b), 97 Stat. 1061 (Title 8, § 1522)

Oct. 5, 1984, Pub. L. 98-454, title VI, § 602, 98 Stat. 1737 (Title 8, §§ 1182, 1184)

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(d), title II, § 220, 98 Stat. 1877, 2027 (Title 8, §§ 1182, 1522)

Dec. 4, 1985, Pub. L. 99-169, title VI, § 601, 99 Stat. 1007 (Title 8, § 1427)

Impoundment Control Act of 1974

Pub. L. 98-620, title IV, § 402(35), Nov. 8, 1984, 98 Stat. 3360 (Title 2, § 687)

Independent Safety Board Act of 1974

Pub. L. 98-37, June 6, 1983, 97 Stat. 204 (Title 49 App., § 1907)

Pub. L. 98-499, § 4(b), Oct. 19, 1984, 98 Stat. 2315 (Title 49 App., § 1903)

Indian Education Act
Pub. L. 98-511, title V, § 513(b), Oct. 19, 1984, 98 Stat. 2400 (Title 20, §§ 1221g, 3385a, 3385b)

Indian Education Amendments of 1984
Pub. L. 98-511, title V, Oct. 19, 1984, 98 Stat. 2391 (Title 20, §§ 241aa, 241bb, 241cc-241ff, 1211a, 1221g, 3385, 3385a, 3385b; Title 25, §§ 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018, 2020-2023)

Indian Education Technical Amendments Act of 1985
Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379 (Title 25, §§ 2001, 2001 notes, 2004, 2006, 2008, 2009, 2016, 2020-2023)

Indian Elementary and Secondary School Assistance Act
Aug. 22, 1984, Pub. L. 98-396, title I, § 1, 98 Stat. 1390 (Title 20, § 241ee)
Oct. 19, 1984, Pub. L. 98-511, title V, § 513(a), 98 Stat. 2399 (Title 20, §§ 241aa, 241bb, 241cc-241ff)

Indian Financing Act of 1974
Pub. L. 98-449, §§ 2-10, 12, 13, Oct. 4, 1984, 98 Stat. 1725, 1726 (Title 25, §§ 1461, 1465, 1481, 1484, 1491, 1497, 1512, 1522, 1523, 1541, 1543)

Indian Financing Act Amendments of 1984
Pub. L. 98-449, Oct. 4, 1984, 98 Stat. 1725 (Title 25, §§ 47a, 1451 note, 1461, 1465, 1481, 1484, 1491, 1497, 1512, 1522, 1523, 1541, 1543)

Indian Land Consolidation Act
Pub. L. 98-608, Oct. 30, 1984, 98 Stat. 3171-3173 (Title 25, §§ 483a, 2203-2206, 2211)

Indian Long-Term Leasing Act
Dec. 2, 1983, Pub. L. 98-203, § 1(c), 97 Stat. 1384 (Title 25, § 415)
Dec. 26, 1985, Pub. L. 99-221, § 2, 99 Stat. 1735 (Title 25, § 415)

Indian Reorganization Act
June 18, 1934, ch. 576, 48 Stat. 984 (Title 25, § 461 et seq.)
Aug. 28, 1937, ch. 866, 50 Stat. 862 (Title 25, § 463)
May 27, 1955, ch. 106, § 1, 69 Stat. 67 (Title 25, § 463)
June 29, 1960, Pub. L. 86-533, § 1(16), 74 Stat. 248 (Title 25, § 470)
Sept. 15, 1961, Pub. L. 87-250, 75 Stat. 520 (Title 25, § 470)
Sept. 26, 1980, Pub. L. 96-363, § 1, 94 Stat. 1207 (Title 25, § 464)

Indian Self-Determination Act
Pub. L. 99-221, § 3(a), Dec. 26, 1985, 99 Stat. 1735 (Title 25, § 450l)

Indian Self-Determination and Education Assistance Act
Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 843 (Title 25, § 450l)
Pub. L. 98-250, § 1, Apr. 3, 1984, 98 Stat. 118 (Title 25, § 450e-1)

Indian Tribal Governmental Tax Status Act of 1982
Pub. L. 98-369, title X, § 1065(a), (b), July 18, 1984, 98 Stat. 1048 (Title 26, § 7871)

Inland Navigational Rules Act of 1980
Pub. L. 98-557, § 16(b), Oct. 30, 1984, 98 Stat. 2866 (Title 33, § 2073)

Insanity Defense Reform Act of 1984
Pub. L. 98-473, title II, § 401, Oct. 12, 1984, 98 Stat. 2057 (Title 18, § 20 note)

Insider Trading Sanctions Act of 1984
Pub. L. 98-376, Aug. 10, 1984, 98 Stat. 1264 (Title 15, §§ 78a note, 78c, 78o, 78t, 78u, 78ff)

Inspector General Act of 1978
Pub. L. 99-93, title I, § 150(a), Aug. 16, 1985, 99 Stat. 427 (Title 5 App., §§ 2, 11)

Intelligence Authorization Act for Fiscal Year 1984
Pub. L. 98-215, Dec. 9, 1983, 97 Stat. 1473 (Title 10, § 192; Title 50, §§ 403-1, 403e-1, 403f)

Intelligence Authorization Act for Fiscal Year 1985
Pub. L. 98-618, §§ 302, 401, 501, 502, 601, Nov. 8, 1984, 98 Stat. 3298 (Title 5, §§ 5102, 5342; Title 10, § 501; Title 22, § 601; Title 50, §§ 302, 401)

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Aug. 12, 1983, Pub. L. 98-76, title II, §§ 211(a)-(c), 221-224(a), (b), (d), 225(a)(1)-(3), (b), (c), 231(a)-(c), 241(a), 97 Stat. 419-430 (Title 26, §§ 72, 86, 105, 3201, 3202, 3211, 3221, 3231, 3321-3323, 6050G, 6157, 6201, 6317, 6513, 6601)
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Apr. 10, 1984, Pub. L. 98-259, § 1, 98 Stat. 142 (Title 26, § 692)
July 18, 1984, Pub. L. 98-369, 98 Stat. 494 (Title 26, § 1 et seq.)
Aug. 16, 1984, Pub. L. 98-378, § 21(e), (f), 98 Stat. 1325 (Title 26, §§ 6103, 6402)
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International Air Transportation Fair Competitive Practices Act of 1974
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International Center Act
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International Coffee Agreements Act of 1980
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International Development Association Act
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International Development Cooperation Act of 1979
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International Environment Protection Act of 1983
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International Investment and Trade in Services Survey Act
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International Investment Survey Act of 1976
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International Lending Supervision Act of 1983
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International Organizations Immunities Act
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International Security and Development Assistance Authorization Act of 1983
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International Trade and Investment Act

Pub. L. 98–573, Oct. 30, 1984, title III, §§ 301–308, 98 Stat. 3000–3013 (Title 19, §§ 2101 note, 2102 note, 2112, 2114, 2114a–2114e, 2138, 2155, 2171, 2241, 2411–2415, 3101, 3103, 3104)

Interstate Land Sales Full Disclosure Act

Pub. L. 98–479, title II, § 202(d), Oct. 17, 1984, 98 Stat. 2228 (Title 15, § 1715)

Irish Wilderness Act of 1984

Pub. L. 98–289, May 21, 1984, 98 Stat. 199 (Title 16, § 1132 note)

Japanese-American Evacuation Claims Act of 1948

Nov. 8, 1984, Pub. L. 98–620, title IV, § 402(55), 98 Stat. 3361 (Title 50 App., § 1984)

Jefferson National Expansion Memorial Act

Aug. 24, 1984, Pub. L. 98–398, title II, § 201, 98 Stat. 1467 (Title 16, §§ 450jj note, 450jj-3 to 450jj-9)

Jefferson National Expansion Memorial Amendments Act of 1984

Pub. L. 98–398, title II, Aug. 24, 1984, 98 Stat. 1472 (Title 16, §§ 450jj note, 450jj-3, 450jj-3 note, 450jj-4 to 450jj-9)

Job Training Partnership Act

Pub. L. 98–473, title II, § 231, Oct. 12, 1984, 98 Stat. 2031 (Title 29, § 1695)

Pub. L. 98–524, § 4(a), Oct. 19, 1984, 98 Stat. 2487 (Title 29, §§ 1503, 1532, 1535, 1697, 1751, 1753, 1754, 1772, 1773)

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John F. Kennedy Center Act

Pub. L. 98–205, § 4, Dec. 2, 1983, 97 Stat. 1388 (Title 20, § 76j)

Pub. L. 98–473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1876 (Title 20, § 76o)

John F. Kennedy Center Act Amendments of 1984

Pub. L. 98–473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1876 (Title 20, § 76o)

Jordan Supplemental Economic Assistance Authorization Act of 1985

Pub. L. 99–88, title IV, Aug. 15, 1985, 99 Stat. 376

Judiciary and Judicial Procedure

Aug. 26, 1983, Pub. L. 98–86, § 1, 97 Stat. 492 (Title 28, § 530)

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Apr. 3, 1984, Pub. L. 98–250, § 4(a), 98 Stat. 118 (Title 28, § 2415)

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Sept. 24, 1984, Pub. L. 98–417, title I, § 106, 98 Stat. 1597 (Title 28, § 2201)

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Nov. 8, 1984, Pub. L. 98–620, title II, § 214, title IV, §§ 401, 402(29), 405, 406(a), (c), 407(a), 408(a)–(c), 409, 410, 412, 416, 98 Stat. 3346, 3356, 3359, 3361, 3362, 3364 (Title 28, §§ 85, 90, 93, 112, 124, 126, 596, 620, 636, 798, 1292, 1296, 1364, 1657, 2284, 2349, 2647)

Nov. 8, 1984, Pub. L. 98–622, title II, § 205(a), 98 Stat. 3388 (Title 28, § 1295)

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Dec. 26, 1985, Pub. L. 99–217, § 3, 99 Stat. 1728 (Title 28, § 994)

Jan. 2, 1986, Pub. L. 99–234, title I, § 107(d), 99 Stat. 1759 (Title 28, § 456)

Judiciary Appropriation Act, 1984

Pub. L. 98–166, title IV, Nov. 28, 1983, 97 Stat. 1099 (Title 28, § 604 note)

Judiciary Appropriation Act, 1985

Pub. L. 98–411, title IV, Aug. 30, 1984, 98 Stat. 1570 (Title 28, § 604 note)

Judiciary Appropriation Act, 1986

Pub. L. 99–180, title IV, Dec. 13, 1985, 99 Stat. 1153 (Title 28, § 604 note)

Justice Assistance Act of 1984

Pub. L. 98–473, title II, § 601, Oct. 12, 1984, 98 Stat. 2077 (Title 42, § 3701 note)

Juvenile Justice and Delinquency Prevention Act of 1974

Pub. L. 98–473, title II, §§ 611–613, 620–641, 660, Oct. 12, 1984, 98 Stat. 2107 (Title 42, §§ 5601–5603, 5611, 5612, 5614, 5616, 5617, 5632–5635, 5637, 5638, 5651, 5653–5657, 5659–5661, 5671, 5672)

Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984

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Kentucky Wilderness Act of 1985

Pub. L. 99-197, Dec. 23, 1985, 99 Stat. 1351 (Title 16, § 1132 note)

Labor-Management Relations Act, 1947

Oct. 12, 1984, Pub. L. 98-473, title II, §§ 801, 803, 98 Stat. 2131, 2133 (Title 29, §§ 186, 504)

Labor-Management Reporting and Disclosure Act of 1959

Pub. L. 98-473, title II, § 229, Oct. 12, 1984, 98 Stat. 2031 (Title 29, §§ 504, 1111)

Lacey Act Amendments of 1981

Pub. L. 98-327, § 4, June 25, 1984, 98 Stat. 271 (Title 16, § 3375)

Land Remote-Sensing Commercialization Act of 1984

Pub. L. 98-365, July 17, 1984, 98 Stat. 451 (Title 15, §§ 1517 note, 4201-4204, 4211-4215, 4221-4227, 4241-4246, 4261-4263, 4271-4278, 4291, 4292)

Pub. L. 99-62, July 11, 1985, 99 Stat. 118 (Title 15, § 4278)

Leadership in Educational Administration Development Act of 1984

Pub. L. 98-558, title IX, §§ 901-906, Oct. 30, 1984, 98 Stat. 2902 (Title 20, §§ 4201-4206)

Leasehold Management Bankruptcy Amendments Act of 1983

Pub. L. 98-353, title III, §§ 361-363, July 10, 1984, 98 Stat. 361-363 (Title 11, §§ 362, 365, 541)

Lebanon Emergency Assistance Act of 1983

Pub. L. 98-43, June 27, 1983, 97 Stat. 214

Lee Metcalf Wilderness and Management Act of 1983

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Legislative Branch Appropriation Act, 1944

Oct. 12, 1984, Pub. L. 98-473, title I, § 123A(b), 98 Stat. 1969 (Title 2, § 92e)

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Oct. 12, 1984, Pub. L. 98-473, title I, § 123A(b), 98 Stat. 1969 (Title 2, § 92e)

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Legislative Branch Appropriation Act, 1947

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Legislative Branch Appropriation Act, 1966

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Pub. L. 98-181, title I, § 1203(a), Nov. 30, 1983, 97 Stat. 1289 (Title 2, § 61-1)

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Legislative Branch Appropriation Act, 1976

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Legislative Branch Appropriation Act, 1978

Pub. L. 98-181, title XII, § 1205(a), Nov. 30, 1983, 97 Stat. 1290 (Title 2, § 58a)

Legislative Branch Appropriation Act, 1984

Pub. L. 98-51, July 14, 1983, 97 Stat. 263 (Title 2, §§ 58, 59d, 60a note, 60j-4, 61h-5, 65d, 68-3, 74a-5, 84-1, 84-2 note, 88b-5, 136a, 142g, 169, 276a, 276b, 288v, 333a; Title 5, §§ 5316 note, 8332; Title 40, §§ 166a, 206 note, 212a-1 note)

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Pub. L. 98-367, July 17, 1984, 98 Stat. 472 (Title 2, §§ 29c, 58b, 60a note, 61-1, 61-1b, 61a-9a, 61f-8, 61f-9, 64a, 64b, 72a-1f, 88b, 88c-1 to 88c-4, 117d, 166, 605; Title 31, § 734; Title 40, §§ 166a, 175 note, 206 note)

Legislative Branch Appropriations Act, 1986

Pub. L. 99-151, Nov. 14, 1985, 99 Stat. 792 (Title 2, §§ 31b-2, 31b-3, 31b-5, 31b-6, 60a note, 61g-6, 166, 605; Title 16, § 79g; Title 22, § 2291 note; Title 40, §§ 166a, 224; Title 44, § 311)

Legislative Reorganization Act of 1946

Dec. 19, 1985, Pub. L. 99-190, § 133, 99 Stat. 1322 (Title 2, § 166)

Liberty Coin Act

Pub. L. 99-61, title II, July 9, 1985, 99 Stat. 115 (Title 31, §§ 5112, 5112 notes, 5116, 5132)

Library Services and Construction Act

Oct. 17, 1984, Pub. L. 98-480, title I, §§ 102-104, 105(2)-(6), 106(2)-(4), 107(2)-(6), 108-112(a), (b)(1), 113(b)-(d), 114, 115, 98 Stat. 2236-2244 (Title 20, §§ 351-351f, 352-355c, 355e, 355e-2, 355e-3, 361-365, 371, 375)

Nov. 22, 1985, Pub. L. 99-159, title III, §§ 301, 302, 303(b), 304, 305, 99 Stat. 902, 903 (Title 20, §§ 351a, 351c, 351d, 353, 366)

Library Services and Construction Act Amendments of 1984

Pub. L. 98-480, title I, Oct. 17, 1984, 98 Stat. 2236 (Title 20, §§ 351-351f, 352-354, 355b, 355e, 355e-2, 355e-3, 361-365, 371, 375)

Livestock Fraud Protection Act

Pub. L. 98-473, title II, § 1110, Oct. 12, 1984, 98 Stat. 2148 (Title 18, § 641 note)

Local Government Antitrust Act of 1984

Pub. L. 98-544, Oct. 24, 1984, 98 Stat. 2750 (Title 15, §§ 1 note, 34-36)

Local Government Fiscal Assistance Amendments of 1983

Pub. L. 98-185, Nov. 30, 1983, 97 Stat. 1309 (Title 31, §§ 6701, 6703, 6704, 6707, 6709, 6711, 6713, 6714, 6716-6718, 6723)

Lodge Act (Consular Reorganization)

Apr. 5, 1906, ch. 1366, 34 Stat. 99 (Title 19, §§ 338, 341; Title 22, §§ 1180, 1181, 1188, 1190, 1191, 1195, 1196, 1199, 1200, 1201, 1203; See Title 46, §§ 10308, 10321, 10903, 10905, 11104; Title 46 App., §§ 98, 676, 677)

Longshore and Harbor Workers' Compensation Act

Sept. 28, 1984, Pub. L. 98-426, §§ 2-27(d)(1), 98 Stat. 1639-1654 (Title 33, §§ 901-910, 912-914, 917-919, 921-923, 928-935, 938-940, 942, 944-947, 948a)

Longshore and Harbor Workers' Compensation Act Amendments of 1984

Sept. 28, 1984, Pub. L. 98-426, 98 Stat. 1639 (Title 33, §§ 901, 901 note, 902-907, 907 note, 908-910, 912-914, 917-919, 921-923, 928-935, 938-940, 942, 944-947, 948a)

Lower Colorado River Basin Project Act

Pub. L. 98-569, § 4(f)(2), Oct. 30, 1984, 98 Stat. 2939 (Title 43, § 1543)

Low-Income Home Energy Assistance Act of 1981

Pub. L. 98-558, title VI, §§ 601-609, Oct. 30, 1984, 98 Stat. 2889-2893 (Title 42, §§ 8621-8624, 8626, 8627, 8629)

Low-Level Radioactive Waste Policy Act

Pub. L. 99-240, title I, § 102, Jan. 15, 1986, 99 Stat. 1842-1859 (Title 42, § 2021b, 2021b notes, 2021c-2021j)

Low-Level Radioactive Waste Policy Amendments Act of 1985

Pub. L. 99-240, title I, Jan. 15, 1986, 99 Stat. 1842-1859 (Title 42, §§ 2021b, 2021b notes, 2021c-2021j)

Magnuson Fishery Conservation and Management Act

Pub. L. 98-623, title IV, § 404, Nov. 8, 1984, 98 Stat. 3408 (Title 16, §§ 1821, 1851, 1856)

Mail Order Consumer Protection Amendments of 1983

Pub. L. 98-186, Nov. 30, 1983, 97 Stat. 1315 (Title 39, §§ 3001 note, 3005, 3012, 3013)

Marine Mammal Protection Act of 1972

Pub. L. 98-364, title I, §§ 101-103, July 17, 1984, 98 Stat. 440, 441 (Title 16, §§ 1371, 1374, 1401, 1406)

Marine Protection, Research, and Sanctuaries Act of 1972

Pub. L. 98-498, title I, § 102, Oct. 19, 1984, 98 Stat. 2296-2303 (Title 16, §§ 1431-1439)

Marine Sanctuaries Amendments of 1984

Pub. L. 98-498, Oct. 19, 1984, 98 Stat. 2296 (Title 5 App., Reorg. Plan No. 4 of 1970; Title 10, § 1174; Title 15, § 1511 note; Title 16, §§ 742c, 742c-1, 742f, 758e, 1431-1439, 1824 note; Title 33, §§ 853g, 853h, 853j-1, 853u, 857-3; Title 42, § 253a; Title 43, §§ 1843, 1845; Title 46, §§ 2301, 2306, 3301 note, 3309, 3311, 3318, 6101, 6103; Title 46 App., § 183)

Maritime Act of 1981

Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151 (Title 5, §§ 5314-5316; Title 7, § 1622; Title 10, §§ 2664, 2665, 4745, 7361; Title 14, § 148; Title 15, §§ 1507a, 1511, 1512, 1519, 1519a, 1528; Title 16, § 18b; See Title 31, § 1535; Title 40, §§ 270f, 474, 483a, 484; Title 41, §§ 50, 105, 112; Title 42, § 1973cc-1; See Title 46, §§ 2104, 2109, 2111, 2112, 3304, 3305, 3316, 7102, 8103, 12119; Title 46 App., §§ 249, 249a, 249b, 289b, 743, 747, 749, 750-752, 808, 811, 813, 820, 835, 838, 839, 840, 861, 864, 864a, 864b, 865, 865a, 866-869, 871, 872, 875, 876, 877, 883, 884, 891b, 891c, 891w, 911, 961, 982, 983, 1111, 1111a, 1112, 1114-1121, 1121-1, 1122, 1122a, 1123, 1124, 1125, 1125a, 1126-1, 1131, 1151-1155, 1155a, 1156-1161, 1171-1183, 1191-1206, 1211, 1213, 1222-1225, 1228, 1241, 1241-1, 1241a-1241c, 1242, 1242a, 1244, 1247, 1271-1276, 1279a-1279c, 1280, 1281, 1288, 1288a, 1293, 1295, 1295a-1295c, 1313; Title 47, §§ 305, 352; Title 50, §§ 196-198; Title 50 App., §§ 1736-1738, 1738a, 1739-1741, 1743-1746)

Maritime Appropriation Authorization Act for Fiscal Year 1985

Pub. L. 98-556, Oct. 30, 1984, 98 Stat. 2858

Maritime Education and Training Act of 1980

Pub. L. 96-453, Oct. 15, 1980, 94 Stat. 1997 (See Title 46, §§ 2101, 3301, 3306, 3307, 3318; Title 46 App., §§ 1119, 1126a-1, 1244, 1295-1295g)

Maritime Safety Act of 1984

Pub. L. 98-498, title II, §§ 210-214, Oct. 19, 1984, 98 Stat. 2303-2306 (Title 46, §§ 2301, 2306, 3301 note, 3309, 3311, 3318, 6101, 6103; Title 46 App., § 183)

Mashantucket Pequot Indian Claims Settlement Act

Pub. L. 98-134, Oct. 18, 1983, 97 Stat. 851 (Title 25, §§ 1751-1760)

Medical Facilities Construction and Modernization Amendments of 1970

Pub. L. 98-24, § 2(d), Apr. 26, 1983, 97 Stat. 182 (Title 42, § 242 note)

Medicare and Medicaid Budget Reconciliation Amendments of 1984

Pub. L. 98-369, title III, §§ 2300-2391, July 18, 1984, 98 Stat. 1061 (Title 5, § 5315; Title 26, § 162; Title 29, § 623; Title 42, §§ 291l, 300e-1a, 606, 701, 703, 706, 907a, 1305 note, 1308, 1310, 1316, 1317, 1320a-1, 1320a-7, 1320a-7a, 1320c-2, 1395b-1, 1395f, 1395h, 1395i, 1395i-2, 1395k, 1395*l*, 1395n, 1395p-1395u, 1395w-1395z, 1395aa-1395dd, 1395ff, 1395ii, 1395*ll*-1395*oo*, 1395rr, 1395uu, 1359ww, 1395yy, 1359zz, 1396a, 1396b, 1396d, 1396n, 1396q; Title 45, § 231f)

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963
- Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662-2684 (Title 42, §§ 6000-6009, 6021-6030, 6041-6043, 6061-6064, 6081-6083)

Merchant Marine Acts
- Sept. 7, 1916, ch. 451, 39 Stat. 728 (Title 46 App., §§ 801-842)
- July 15, 1918, ch. 152, 40 Stat. 900 (Title 46 App., §§ 801-842)

Merchant Marine Act, 1920
- June 5, 1920, ch. 250, 41 Stat. 988 (See Title 46, §§ 2101, 3304, 3305, 3316, 10313-10315, 10504-10506, 12119; Title 46 App., §§ 13, 688, 802, 803, 808, 812, 813, 861, 864-869, 871, 872, 875-877, 883-885, 887-889, 911, 921-927, 941, 951-954, 961, 971-975, 981-984)
- July 14, 1956, ch. 600, § 1, 70 Stat. 544 (Title 46 App., § 883)
- July 7, 1958, Pub. L. 85-508, § 27(a), 72 Stat. 351 (Title 46 App., § 883)
- Sept. 2, 1958, Pub. L. 85-902, 72 Stat. 1736 (Title 46 App., § 883-1)
- Sept. 21, 1959, Pub. L. 86-327, § 2, 73 Stat. 597 (Title 46 App., § 888)
- July 5, 1960, Pub. L. 86-583, § 1, 74 Stat. 321 (Title 46 App., § 883)
- Sept. 21, 1965, Pub. L. 89-194, 79 Stat. 823 (Title 46 App., § 883)
- Aug. 11, 1968, Pub. L. 90-474, 82 Stat. 700 (Title 46 App., § 883)
- Nov. 23, 1971, Pub. L. 92-163, 85 Stat. 486 (Title 46 App., § 883)
- Aug. 9, 1975, Pub. L. 94-85, 89 Stat. 426 (See Title 46, § 3304)
- Oct. 3, 1978, Pub. L. 95-410, title II, § 213, 92 Stat. 904 (Title 46 App., § 883)
- Nov. 16, 1979, Pub. L. 96-112, §§ 4, 5, 93 Stat. 848, 849 (Title 46 App., §§ 883, 922)
- Aug. 6, 1981, Pub. L. 97-31, § 12(33), (34), (37), (39)-(50), (159), 95 Stat. 156, 157, 168 (See Title 46, §§ 3304, 3305, 3316, 12119; Title 46 App., §§ 861, 864-869, 871, 872, 875-877, 883, 884)
- Dec. 29, 1982, Pub. L. 97-389, title V, §§ 502-504, 96 Stat. 1954-1956 (Title 46 App., §§ 688, 883)
- Mar. 20, 1984, Pub. L. 98-237, § 20(a), 98 Stat. 88 (Title 46 App., §§ 812, 813)

Merchant Marine Act, 1928
- May 22, 1928, ch. 675, 45 Stat. 689 (Title 46 App., §§ 866, 869, 891, 891b, 891c, 891s, 891u-891x)
- Aug. 6, 1981, Pub. L. 97-31, § 12(51)-(53), 95 Stat. 157 (Title 46 App., §§ 891b, 891c, 891w)

Merchant Marine Act, 1936
- June 29, 1936, ch. 858, 49 Stat. 1985 (Generally dispersed throughout Title 46 App., see § 1101 et seq.)
- Apr. 1, 1937, ch. 64, 50 Stat. 57 (Title 46 App., § 1194)
- Aug. 26, 1937, ch. 822, 50 Stat. 839 (Title 46 App., §§ 871, 1112, 1116, 1119)
- May 18, 1938, ch. 253, 52 Stat. 408 (Title 46 App., § 1113)
- June 1, 1938, ch. 311, 52 Stat. 606 (Title 46 App., § 1142)
- June 23, 1938, ch. 600, § 4, 52 Stat. 965 (Title 46 App., §§ 1271-1279)
- May 14, 1940, ch. 201, 54 Stat. 216 (Title 46 App., §§ 1160, 1194 note)
- June 11, 1940, ch. 327, 54 Stat. 306
- June 29, 1940, ch. 447, 54 Stat. 689
- Oct. 10, 1940, ch. 849, 54 Stat. 1106 (Title 46 App., § 1161)
- June 23, 1941, ch. 228, §§ 1-3, 55 Stat. 259 (Title 46 App., §§ 1254, 1260 note, 1262)
- Mar. 6, 1942, ch. 154, 56 Stat. 140
- Mar. 14, 1942, ch. 186, 56 Stat. 171
- Apr. 11, 1942, ch. 240, 56 Stat. 214
- Mar. 24, 1943, ch. 26, §§ 2(a), 3(d)-(i), 57 Stat. 47, 49-51 (Title 46 App., § 1242)
- June 17, 1943, ch. 130, 57 Stat. 157 (Title 46 App., § 1161)
- Apr. 24, 1944, ch. 178, 58 Stat. 216 (Title 46 App., § 1128e-1)
- Dec. 23, 1944, ch. 714, 58 Stat. 920 (Title 46 App., § 1161)
- Sept. 7, 1950, ch. 906, 64 Stat. 773 (Title 46 App., §§ 1281-1294)
- July 17, 1952, ch. 939, 66 Stat. 760 (Title 46 App., §§ 1151, 1153, 1154, 1157, 1159, 1160, 1161, 1175, 1176, 1177, 1223, 1244)
- Aug. 15, 1953, ch. 513, 67 Stat. 626 (Title 46 App., § 1273)
- Aug. 10, 1954, ch. 664, 68 Stat. 680 (Title 46 App., § 1160)
- Aug. 26, 1954, ch. 936, 68 Stat. 832 (Title 46 App., § 1241)
- Aug. 30, 1954, ch. 1076, § 1(9), 68 Stat. 967
- Sept. 3, 1954, ch. 1265, §§ 1-9, 68 Stat. 1267 (Title 46 App., §§ 1271-1279)
- Aug. 3, 1955, ch. 492, 69 Stat. 440 (Title 46 App., § 1294)
- Feb. 20, 1956, ch. 64, 70 Stat. 25
- May 10, 1956, ch. 247, § 1, 70 Stat. 148 (Title 46 App., § 1176)
- May 28, 1956, ch. 325, 70 Stat. 187 (Title 46 App., § 1241)
- June 25, 1956, ch. 437, 70 Stat. 332 (Title 46 App., § 1122a)
- June 25, 1956, ch. 438, 70 Stat. 332 (Title 46 App., § 1273)
- July 11, 1956, ch. 574, 70 Stat. 531 (Title 46 App., § 1205)
- July 26, 1956, ch. 737, 70 Stat. 657 (Title 46 App., § 1152)
- July 30, 1956, ch. 792, 70 Stat. 731 (Title 46 App., § 1206)
- Aug. 3, 1956, ch. 929, 70 Stat. 984 (Title 46 App., §§ 1242, 1286, 1289)
- Aug. 7, 1956, ch. 1026, 70 Stat. 1087 (Title 46 App., §§ 1271, 1273, 1275)
- Aug. 28, 1957, Pub. L. 85-191, 71 Stat. 471 (Title 46 App., § 1192)
- Feb. 20, 1958, Pub. L. 85-331, 72 Stat. 16
- Feb. 20, 1958, Pub. L. 85-332, 72 Stat. 17 (Title 46 App., § 1160)
- July 7, 1958, Pub. L. 85-507, § 21(b)(4), 72 Stat. 337 (Title 46 App., § 1111)
- July 15, 1958, Pub. L. 85-520, 72 Stat. 358 (Title 46 App., § 1275)
- Aug. 14, 1958, Pub. L. 85-637, 72 Stat. 592 (Title 46 App., § 1177)

Merchant Marine Act, 1936—Continued

Aug. 28, 1958, Pub. L. 85-791, § 17, 72 Stat. 947 (Title 46 App., § 1181)
Mar. 18, 1959, Pub. L. 86-3, § 18(b), 73 Stat. 12 (Title 46 App., §§ 883 note, 1156, 1175, 1204)
July 31, 1959, Pub. L. 86-120, 73 Stat. 266 (Title 46 App., § 1294)
July 31, 1959, Pub. L. 86-123, 73 Stat. 269 (Title 46 App., §§ 1272, 1274, 1276, 1279)
July 31, 1959, Pub. L. 86-127, 73 Stat. 272 (Title 46 App., §§ 1271, 1274, 1279a)
Sept. 8, 1959, Pub. L. 86-237, 73 Stat. 471 (Title 46 App., § 1161)
Sept. 21, 1959, Pub. L. 86-327, § 4, 73 Stat. 597 (Title 46 App., § 1244)
June 12, 1960, Pub. L. 86-518, §§ 1-7, 74 Stat. 216 (Title 46 App., §§ 1125, 1152, 1153, 1156, 1157, 1159, 1160, 1175, 1177, 1181, 1195, 1204, 1274, 1276)
July 5, 1960, Pub. L. 86-575, 74 Stat. 312 (Title 46 App., § 1160)
July 7, 1960, Pub. L. 86-607, § 1, 74 Stat. 362 (Title 46 App., § 1152)
July 12, 1960, Pub. L. 86-624, § 35, 74 Stat. 421 (Title 46 App., §§ 1155, 1176, 1192)
Sept. 2, 1960, Pub. L. 86-685, 74 Stat. 733 (Title 46 App., §§ 1271, 1274)
May 27, 1961, Pub. L. 87-45, §§ 1-6, 75 Stat. 89 (Title 46 App., §§ 1171-1173, 1176, 1177, 1183)
July 20, 1961, Pub. L. 87-93, 75 Stat. 212
Sept. 6, 1961, Pub. L. 87-199, 75 Stat. 468
Sept. 6, 1961, Pub. L. 87-208, 75 Stat. 480
Sept. 14, 1961, Pub. L. 87-243, 75 Stat. 513 (Title 46 App., § 1173)
Sept. 21, 1961, Pub. L. 87-266, 75 Stat. 565 (Title 46 App., § 1241)
Sept. 21, 1961, Pub. L. 87-271, 75 Stat. 570 (Title 46 App., § 1177)
Sept. 26, 1961, Pub. L. 87-303, §§ 2, 3, 75 Stat. 661 (Title 46 App., §§ 1161, 1271)
Oct. 5, 1961, Pub. L. 87-401, 75 Stat. 833 (Title 46 App., § 1160)
Oct. 3, 1962, Pub. L. 87-743, 76 Stat. 740 (Title 46 App., § 1288)
Oct. 5, 1962, Pub. L. 87-755, 76 Stat. 751 (Title 46 App., § 1160)
Oct. 10, 1962, Pub. L. 87-782, § 1, 76 Stat. 796 (Title 46 App., § 1161)
Oct. 18, 1962, Pub. L. 87-839, § 1, 76 Stat. 1074 (Title 46 App., § 1122b)
Oct. 24, 1962, Pub. L. 87-877, §§ 1, 2, 76 Stat. 1200 (Title 46 App., §§ 1123, 1152, 1159)
Dec. 23, 1963, Pub. L. 88-227, § 1, 77 Stat. 470 (Title 46 App., § 1161)
July 11, 1964, Pub. L. 88-370, 78 Stat. 313 (Title 46 App., § 1152)
Aug. 10, 1964, Pub. L. 88-410, § 1, 78 Stat. 385 (Title 46 App., § 1152)
Aug. 22, 1964, Pub. L. 88-478, § 1, 78 Stat. 587 (Title 46 App., § 1289)
Sept. 12, 1964, Pub. L. 88-595, § 1, 78 Stat. 943 (Title 46 App., § 1161)
July 7, 1965, Pub. L. 89-66, 79 Stat. 211 (Title 46 App., § 1122b)
July 27, 1965, Pub. L. 89-89, 79 Stat. 264 (Title 46 App., § 1294)
Aug. 14, 1965, Pub. L. 89-127, 79 Stat. 519 (Title 46 App., § 1152)
Oct. 10, 1965, Pub. L. 89-254, 79 Stat. 980 (Title 46 App., § 1160)
Sept. 19, 1966, Pub. L. 89-589, 80 Stat. 811 (Title 46 App., § 1152)
Sept. 5, 1967, Pub. L. 90-81, 81 Stat. 193 (Title 46 App., § 1119)
Dec. 10, 1967, Pub. L. 90-183 (Title 46 App., § 1159)
Dec. 14, 1967, Pub. L. 90-194, 81 Stat. 580 (Title 46 App., § 1279b)
Dec. 18, 1967, Pub. L. 90-214, 81 Stat. 660 (Title 46 App., § 1159)
Mar. 16, 1968, Pub. L. 90-268, § 1, 82 Stat. 49 (Title 46 App., § 1122)
June 15, 1968, Pub. L. 90-341, 82 Stat. 180 (Title 46 App., § 1274)
June 22, 1968, Pub. L. 90-358, 82 Stat. 248 (Title 46 App., § 1183)
July 27, 1968, Pub. L. 90-434, 82 Stat. 449 (Title 46 App., § 1122b)
Oct. 12, 1968, Pub. L. 90-572, 82 Stat. 1004 (Title 46 App., § 1152)
July 8, 1969, Pub. L. 91-40, 83 Stat. 44 (Title 46 App., § 1152)
May 14, 1970, Pub. L. 91-250, 84 Stat. 215 (Title 46 App., § 1183)
Oct. 15, 1970, Pub. L. 91-452, title II, § 241, 84 Stat. 930 (Title 46 App., § 1124)
Oct. 21, 1970, Pub. L. 91-469, §§ 1-36, 84 Stat. 1018-1036 (Title 46 App., §§ 1101, 1111, 1119-1121, 1151-1155, 1159, 1160, 1171, 1173, 1175-1177, 1204, 1213, 1222, 1223, 1241, 1244, 1271, 1273-1275, 1294)
Dec. 31, 1970, Pub. 91-603, § 4, 84 Stat. 1675 (Title 46 App., §§ 1151, 1152, 1171, 1223)
June 30, 1972, Pub. L. 92-323, 86 Stat. 389 (Title 46 App., § 1183)
Aug. 10, 1972, Pub. L. 92-374, 86 Stat. 528 (Title 46 App., § 1159)
Aug. 22, 1972, Pub. L. 92-402, § 2, 86 Stat. 617 (Title 46 App., § 1244)
Oct. 19, 1972, Pub. L. 92-507, §§ 1-5, 86 Stat. 909-916 (Title 46 App., §§ 1271-1276, 1279, 1279a, 1279b)
July 10, 1973, Pub. L. 93-70, § 3, 87 Stat. 168 (Title 46 App., § 1273)
July 10, 1973, Pub. L. 93-71, 87 Stat. 169 (Title 46 App., § 1152)
Oct. 1, 1973, Pub. L. 93-116, 87 Stat. 421 (Title 46 App., § 1177)
Jan. 2, 1975, Pub. L. 93-605, § 1, 88 Stat. 1965 (Title 46 App., § 1160)
Mar. 23, 1975, Pub. L. 94-10, § 3, 89 Stat. 16 (Title 46 App., § 1213)
Nov. 13, 1975, Pub. L. 94-127, §§ 4, 5, 89 Stat. 680, 681 (Title 46 App., §§ 1213, 1273)
Apr. 21, 1976, Pub. L. 94-273, §§ 27, 36, 90 Stat. 380 (Title 46 App., §§ 1118, 1123)
July 31, 1976, Pub. L. 94-372, §§ 2, 3, 90 Stat. 1042 (Title 46 App., § 1152)
Oct. 17, 1976, Pub. L. 94-523, §§ 1-5, 90 Stat. 2474 (Title 46 App., §§ 1283, 1289, 1294)
Nov. 12, 1977, Pub. L. 95-173, §§ 6(a), 7, 8, 91 Stat. 1360 (Title 46 App., §§ 1119, 1159)
Nov. 15, 1977, Pub. L. 95-177, 91 Stat. 1368 (Title 46 App., § 1160)
Apr. 7, 1978, Pub. L. 95-257, 92 Stat. 194 (Title 46 App., § 1274)
June 26, 1978, Pub. L. 95-298, § 5, 92 Stat. 340 (Title 46 App., § 1273)

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July 28, 1978, Pub. L. 95-323, § 1, 92 Stat. 396

Oct. 24, 1978, Pub. L. 95-505, 92 Stat. 1755 (Title 46 App., § 1159)

Nov. 6, 1978, Pub. L. 95-598, title III, § 334, 92 Stat. 2680 (Title 46 App., § 1247)

Feb. 25, 1980, Pub. L. 96-195, 94 Stat. 63 (Title 46 App., § 1294)

Mar. 17, 1980, Pub. L. 96-210, 94 Stat. 100 (Title 46 App., § 1152)

Aug. 3, 1980, Pub. L. 96-320, title II, §§ 202, 203(a), (b)(1), 94 Stat. 992, 993 (Title 46 App., §§ 1271, 1273, 1274, 1279c)

Oct. 7, 1980, Pub. L. 96-387, §§ 3, 4, 94 Stat. 1545, 1546 (Title 46 App., §§ 1119, 1152)

Oct. 15, 1980, Pub. L. 96-453, §§ 2, 3(a), (b), (d), 94 Stat. 1997-2009 (See Title 46, §§ 2101, 3301, 3306, 3307, 3318; Title 46 App., §§ 1119, 1244, 1295-1295g)

Oct. 19, 1980, Pub. L. 96-470, title II, § 201(a), (b), 94 Stat. 2241 (Title 46 App., §§ 1213, 1222)

Dec. 22, 1980, Pub. L. 96-561, title II, § 220, 94 Stat. 3291 (Title 46 App., §§ 1271, 1273-1275)

Aug. 6, 1981, Pub. L. 97-31, § 12(58), (60)-(67), (69)-(73), (75), (82)-(85), (87)-(126), (131), (133)-(136), (138), (139), (141)-(145), 95 Stat. 158-166 (See Title 46, § 8103; Title 46 App., §§ 1111, 1112, 1114-1125a, 1131, 1151-1161, 1171-1183, 1191-1206, 1211-1213, 1222-1225, 1228, 1241, 1242, 1244, 1247, 1271-1276, 1279a-1279c, 1281, 1288, 1293, 1295, 1295a, 1295b, 1295c)

Aug. 13, 1981, Pub. L. 97-35, title XVI, §§ 1603-1605, 1606(b)-(f), 1607, 1610, 95 Stat. 751-753 (Title 46 App., §§ 1184, 1185, 1213, 1248, 1273, 1274, 1275, 1279, 1295)

Aug. 26, 1983, Pub. L. 98-89, §§ 1, 4(b), 97 Stat. 500, 599 (See Title 46, §§ 2101, 3301, 3306, 3307, 318, 7102, 8103, 8302; Title 46 App., §§ 1295f, 1295g)

Mar. 20, 1984, Pub. L. 98-237, § 20(a), (c), 98 Stat. 88, 90 (Title 46 App., § 1122)

Oct. 30, 1984, Pub. L. 98-595, §§ 1, 2, 98 Stat. 3130-3132 (Title 46 App., §§ 1124, 1273-1275)

July 3, 1985, Pub. L. 99-59, 99 Stat. 110 (Title 46 App., § 1294)

Dec. 23, 1985, Pub. L. 99-198, title XI, § 1142, 99 Stat. 1490-1496 (Title 46 App., §§ 1241e-1241o)

Merchant Marine Act of 1970

Pub. L. 91-469, Oct. 21, 1970, 84 Stat. 1018 (Title 5, § 5315, 5 App.; Title 15, § 1507a; Title 33, §§ 985, 988; Title 40, § 270f; Title 46 App., §§ 1101, 1111, 1119-1121, 1151-1155, 1159, 1160, 1171, 1173, 1175-1177, 1204, 1213, 1222, 1223, 1241, 1244, 1271, 1273-1275, 1294)

Migration and Refugee Assistance Act of 1962

Pub. L. 99-93, title I, §§ 111, 112(a), 113, Aug. 16, 1985, 99 Stat. 410, 411 (Title 22, §§ 2601, 2605, 2606)

Migratory Bird Hunting Stamp Act

July 18, 1984, Pub. L. 98-369, title X, § 1077(a), (b)(3), 98 Stat. 1054, 1055 (Title 16, § 718e)

Military Construction Appropriations Act, 1984

Pub. L. 98-116, Oct. 11, 1983, 97 Stat. 795

Military Construction Appropriations Act, 1985

Pub. L. 98-473, title I, § 101(e), Oct. 12, 1984, 98 Stat. 1877

Military Construction Appropriations Act, 1986

Pub. L. 99-173, Dec. 10, 1985, 99 Stat. 1024 (Title 10, §§ 2860, 2860 note)

Military Construction Authorization Act, 1981

Pub. L. 98-115, title VIII, § 805, Oct. 11, 1983, 97 Stat. 785 (Title 10, § 139 note)

Pub. L. 98-454, title V, § 504, Oct. 5, 1984, 98 Stat. 1736

Military Construction Authorization Act, 1982

Pub. L. 98-94, title XII, § 1252(f), Sept. 24, 1983, 97 Stat. 699 (Title 42, § 248c)

Pub. L. 98-557, § 17(f), Oct. 30, 1984, 98 Stat. 2868 (Title 42, § 248c)

Military Construction Authorization Act, 1983

Pub. L. 98-8, title I, § 101, Mar. 24, 1983, 97 Stat. 24

Pub. L. 98-407, title VIII, § 822, Aug. 28, 1984, 98 Stat. 1524

Military Construction Authorization Act, 1984

Pub. L. 98-115, Oct. 11, 1983, 97 Stat. 757 (Title 10, §§ 139 note, 2233a, 2391, 2667a, 2807, 2821 note, 2828)

Pub. L. 98-407, title IV, § 404, title VIII, §§ 806(b), 812, 824, Aug. 28, 1984, 98 Stat. 1511, 1521, 1524 (Title 10, § 2821 note)

Pub. L. 99-167, title VIII, §§ 801(a), 806(a), Dec. 3, 1985, 99 Stat. 985, 988 (Title 10, §§ 2667a notes, 2821 note)

Military Construction Authorization Act, 1985

Pub. L. 98-407, Aug. 28, 1984, 98 Stat. 1495 (Title 10, §§ 2233a, 2483, 2665, 2676, 2677, 2691, 2692, 2775, 2821 note, 2828, 2853, 2855; Title 31, § 1348)

Pub. L. 99-167, title I, § 104, title VIII, § 832, Dec. 3, 1985, 99 Stat. 966, 994

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Pub. L. 99-167, Dec. 3, 1985, 99 Stat. 961 (Title 10, §§ 2233, 2236, 2546, 2571, 2667a notes, 2672, 2775, 2805, 2809, 2821, 2821 note, 2828, 2833, 2834, 2860, 2860 note, 2862, 2862 note; Title 20, § 241 note)

Military Construction Codification Act

Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8

Military Family Act of 1985

Pub. L. 99-145, title VIII, Nov. 8, 1985, 99 Stat. 678 (Title 5, § 5911; Title 10, § 133 note; Title 37, §§ 403, 1011)

Military Justice Act of 1983

Pub. L. 98-209, Dec. 6, 1983, 97 Stat. 1393 (Title 10, §§ 706 note, 801, 802, 806, 815, 816, 825-827, 829, 834, 838, 842, 849, 854,

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857, 860-867, 869-871, 876a, 912a, 936, 1552, 1553; Title 28, §§ 1259, 2101)
Pub. L. 98-525, title XV, § 1521, Oct. 19, 1984, 98 Stat. 2628 (Title 10, § 867 note)

Military Justice Amendments of 1981
Pub. L. 98-209, Dec. 6, 1983, § 12(b), 97 Stat. 1407 (Title 10, § 706 note)

Military Selective Service Act
Pub. L. 98-473, title II, § 234, Oct. 12, 1984, 98 Stat. 2031 (Title 50 App., § 460)
Pub. L. 98-525, title XV, § 1531, Oct. 19, 1984, 98 Stat. 2631 (Title 50 App., § 456)
Pub. L. 98-620, title IV, § 402(54), Nov. 8, 1984, 98 Stat. 3361 (Title 50 App., § 462)

Miller Act
Apr. 18, 1984, Pub. L. 98-269, 98 Stat. 156 (Title 40, § 270c)

Mineral Lands Leasing Act of 1920
July 12, 1985, Pub. L. 99-64, title I, § 123(b), 99 Stat. 156 (Title 30, § 185)

Minnesota Valley National Wildlife Refuge Act
Pub. L. 98-327, § 2, June 25, 1984, 98 Stat. 270

Miscellaneous Revenue Act of 1980
Pub. L. 96-605, Dec. 28, 1980, 94 Stat. 3521 (Title 26, §§ 1 note, 48, 48 note, prec. 61, 61, 66 note, 105, 119 note, 125, 125 note, prec. 161, 195, 195 note, 274, 274 note, 401, 401 note, 408, 409, 409 note, 410, 414, 414 note, 415, 415 note, 501, 501 note, 513, 513 note, 514, 514 note, 528, 528 note, 861, 861 note, 871, 871 note, 2055, 2055 note, 3121 note, 7701 note)
Pub. L. 96-605, Dec. 28, 1980, 94 Stat. 3521 (Title 26, §§ 1 note, 48, 48 note, prec. 61, 61, 66 note, 105, 119 note, 125, 125 note, prec. 161, 195, 195 note, 274, 274 note, 401, 401 note, 408, 409, 409 note, 410, 414, 414 note, 415, 415 note, 501, 501 note, 513, 513 note, 514, 514 note, 528, 528 note, 861, 861 note, 871, 871 note, 2055, 2055 note, 3121 note, 7701 note)

Miscellaneous Revenue Act of 1982
Pub. L. 97-362, Oct. 25, 1982, 96 Stat. 1726 (Title 5, §§ 8509, 8521; Title 19, § 2291 note; Title 26, §§ 1 note, 48, 172, 336 note, 3306 note, 4401, 4411, 6051, 7447, 7448, 7456, 7459, 7463; See Title 46, § 11108)

Missing Children's Assistance Act
Pub. L. 98-473, title II, §§ 401-408, Oct. 12, 1984, 98 Stat. 2125-2129 (Title 42, §§ 5601 note, 5771-5777)

Mississippi National Forest Wilderness Act of 1984
Pub. L. 98-515, Oct. 19, 1984, 98 Stat. 2420 (Title 16, § 1132 note)

Money and Finance
Pub. L. 98-34, §§ 1(a), 2, May 26, 1983, 97 Stat. 196 (Title 31, §§ 3101, 3102)
Pub. L. 98-63, title I, § 101(1)-(4), July 30, 1983, 97 Stat. 323, 324 (Title 31, §§ 6901, 6903, 6907)
Pub. L. 98-151, § 123, Nov. 14, 1983, 97 Stat. 979 (Title 31, § 5132)
Pub. L. 98-161, Nov. 21, 1983, 97 Stat. 1012 (Title 31, § 3101)
Pub. L. 98-167, Nov. 29, 1983, 97 Stat. 1104 (Title 31, § 3718)
Pub. L. 98-169, Nov. 29, 1983, 97 Stat. 1113 (Title 31, §§ 6101-6102a, 6103-6106)
Pub. L. 98-185, §§ 2-9, Nov. 30, 1983, 97 Stat. 1309-1311 (Title 31, §§ 6701, 6703, 6704, 6707, 6709, 6711, 6713, 6714, 6716-6718, 6723)
Pub. L. 98-216, § 1, Feb. 14, 1984, 98 Stat. 3 (Title 31, §§ 755, 1535, 3322, 3528, 3711, 3902, 5132, 6716)
Pub. L. 98-302, §§ 2, 3, May 25, 1984, 98 Stat. 197 (Title 31, §§ 332, 3102)
Pub. L. 98-326, § 1, June 22, 1984, 98 Stat. 269 (Title 31, §§ 731-733)
Pub. L. 98-342, § 1(a), July 6, 1984, 98 Stat. 313 (Title 31, § 3101)
Pub. L. 98-359, § 2, July 13, 1984, 98 Stat. 402 (Title 31, § 1322)
Pub. L. 98-367, title I, § 8, July 17, 1984, 98 Stat. 475 (Title 31, § 734)
Pub. L. 98-369, div. A, title I, § 156(a), title IV, §§ 445, 491(d)(59), div. B, title VI, §§ 2652(a)(1), (2), (b)(1), 2653(a), title VII, § 2741, title VIII, § 2814, July 18, 1984, 98 Stat. 695, 816, 852, 1152, 1153, 1199, 1207 (Title 31, §§ 321, 322, 324, 330, 3107, 3302, 3332, 3551-3556, 3720, 3720A)
Pub. L. 98-371, title I, § 101, July 18, 1984, 98 Stat. 1220 (Title 31, § 1305)
Pub. L. 98-407, title VIII, § 811(a), Aug. 28, 1984, 98 Stat. 1523 (Title 31, § 1348)
Pub. L. 98-443, § 9(f), Oct. 4, 1984, 98 Stat. 1707 (Title 31, § 3726)
Pub. L. 98-473, title II, § 901(a)-(f), Oct. 12, 1984, 98 Stat. 2135 (Title 31, §§ 5316, 5317, 5321-5323)
Pub. L. 98-475, Oct. 13, 1984, 98 Stat. 2206 (Title 31, § 3101)
Pub. L. 98-501, title II, § 203, Oct. 19, 1984, 98 Stat. 2324 (Title 31, § 1105)
Pub. L. 98-502, § 2(a), (c), Oct. 19, 1984, 98 Stat. 2327-2334 (Title 31, §§ 7501-7507)
Pub. L. 98-594, § 1(a), Oct. 30, 1984, 98 Stat. 3129 (Title 31, § 301)
Pub. L. 98-615, § 204(b), Nov. 8, 1984, 98 Stat. 3216 (Title 31, § 731)
Pub. L. 99-61, title II, §§ 202-204, July 9, 1985, 99 Stat. 115-117 (Title 31, §§ 511, 5116, 5132)
Pub. L. 99-145, title XIII, § 1304(d), Nov. 8, 1985, 99 Stat. 742 (Title 31, § 3551)
Pub. L. 99-177, § 1, title II, §§ 222, 224, 241, 242, Dec. 12, 1985, 99 Stat. 1037, 1060, 1063 (Title 31, §§ 1104-1106, 1109, 3101)
Pub. L. 99-185, § 2(a)-(e), Dec. 17, 1985, 99 Stat. 1177, 1178 (Title 31, §§ 5112, 5116, 5118, 5132)
Pub. L. 99-190, § 141, Dec. 19, 1985, 99 Stat. 1324 (Title 31, § 301)
Pub. L. 99-234, title I, § 107(e), Jan. 2, 1986, 99 Stat. 1759 (Title 31, § 326)

Mortgage Subsidy Bond Tax Act of 1980
Pub. L. 98-369, title VI, § 614, 98 Stat. 914 (Title 26, § 103A note)

Motor Carrier Act of 1980

Pub. L. 98-554, title II, § 222, Oct. 30, 1984, 98 Stat. 2846 (Title 49, § 10927 note)

Motor Carrier Safety Act of 1984

Pub. L. 98-554, title II, Oct. 30, 1984, 98 Stat. 2832 (Title 28, § 2342; Title 49, §§ 507, 521, 526, 2301, 2313, 2314, 2501-2520, 3102, 10322, 10526, 10530, 10735, 10922, 10927, 10934, 11348, 11701, 11702, 11901, 11914)

Motor Vehicle Information and Cost Savings Act

Pub. L. 98-549, title I, § 101, Oct. 25, 1984, 98 Stat. 2755-2767 (Title 15, §§ 1901, 2021-2034)

Pub. L. 98-620, title IV, § 402(18), Nov. 8, 1984, 98 Stat. 3358 (Title 15, § 2003)

Motor Vehicle Theft Law Enforcement Act of 1984

Pub. L. 98-547, Oct. 25, 1984, 98 Stat. 2754 (Title 15, §§ 1901 note, 2021-2034; Title 18, §§ 511, 512, 553, 1961, 2311, 2313, 2320; Title 19, § 1627)

Motorboat Act of 1940

Apr. 25, 1940, ch. 155, 54 Stat. 163 (See Title 46, §§ 2101, 2106, 2107, 3306, 4101-4104, 4106)

Sept. 2, 1958, Pub. L. 85-911, § 6, 72 Stat. 1756 (See Title 46, §§ 2106, 2107, 4101, 4106)

Mar. 28, 1960, Pub. L. 86-396, 74 Stat. 10 (See Title 46, § 4101)

Aug. 10, 1971, Pub. L. 92-75, § 41(b), 85 Stat. 228 (See Title 46, § 4101)

Oct. 6, 1980, Pub. L. 96-378, §§ 9, 11(d), 94 Stat. 1518, 1519 (See Title 46, § 2101)

Museum Services Act

Pub. L. 98-303, §§ 9-11, May 31, 1984, 98 Stat. 225 (Title 20, §§ 963, 964, 967)

Pub. L. 99-194, title II, Dec. 20, 1985, 99 Stat. 1344 (Title 20, §§ 963, 964, 967)

Multiemployer Pension Plan Amendments Act of 1980

Pub. L. 98-369, title V, § 558(b)(2), July 18, 1984, 98 Stat. 899 (Title 29, § 1385 note)

Multifamily Mortgage Foreclosure Act of 1981

Pub. L. 98-181, title IV, § 471, Nov. 30, 1983, 97 Stat. 1237 (Title 12, § 3703)

Multinational Force in Lebanon Resolution

Pub. L. 98-119, Oct. 12, 1983, 97 Stat. 805 (Title 50, § 1541)

Mutual Educational and Cultural Exchange Act of 1961

Pub. L. 98-164 title II, § 213, title VII, § 703, Nov. 22, 1983, 97 Stat. 1034, 1045 (Title 22, §§ 2452, 2460)

National Aeronautics and Space Act of 1958

Pub. L. 98-52 title I, §§ 107, 108, July 15, 1983, 97 Stat. 284, 285 (Title 42, §§ 2452, 2459b)

Pub. L. 98-361, title I, § 110, July 16, 1984, 98 Stat. 426 (Title 42, § 2451)

Pub. L. 98-622 title II, § 205(c), Nov. 8, 1984, 98 Stat. 3386 (Title 42, § 2457)

National Aeronautics and Space Administration Authorization Act, 1968

Pub. L. 99-234, title I, § 107(f), Jan. 2, 1986, 99 Stat. 1759 (Title 42, § 2477)

National Aeronautics and Space Administration Authorization Act, 1983

Pub. L. 98-365, title VI, § 608, July 17, 1984, 98 Stat. 466 (Title 15, § 1517 note)

National Aeronautics and Space Administration Authorization Act, 1984

Pub. L. 98-52, July 15, 1983, 97 Stat. 281 (Title 15, § 1517 note; Title 42, §§ 2452, 2459 note, 2459a, 2459b, 2465)

National Aeronautics and Space Administration Authorization Act, 1985

Pub. L. 98-361, July 16, 1984, 98 Stat. 422 (Title 15, § 4261 note; Title 42, §§ 2451, 2451 note, 2459 note, 2459a)

National Aeronautics and Space Administration Authorization Act of 1986

Pub. L. 99-170, Dec. 5, 1985, 99 Stat. 1012 (Title 42, §§ 2451 notes, 2459 note, 2459a, 2466, 2466 note, 2466a-2466c, 2466c notes; Title 49 App., § 2623)

National Agricultural Policy Commission Act of 1985

Pub. L. 99-198, title XVII, §§ 1721-1728, Dec. 23, 1985, 99 Stat. 1637-1640 (Title 7, §§ 5001, 5001 note, 5002-5007)

National Agricultural Research, Extension, and Teaching Policy Act of 1977

Pub. L. 99-198, title XIV, §§ 1402-1410, 1412-1415, 1417-1419, 1421-1430, Dec. 23, 1985, 99 Stat. 1542-1556 (Title 7, §§ 178c, 342, 343, 343 note, 450i, 450i notes, 1632, 2281 note, 2662, 2663, 2666, 3101, 3103, 3121-3124a, 3125, 3151, 3152, 3174, 3177, 3194-3196, 3221, 3222, 3291, 3292, 3292 note, 3301-3304, 3311, 3311 notes, 3312, 3312 note, 3318, 3319, 3319a-3319d, 3322-3336, 4701, 4701 note, 4702-4710)

National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981

Pub. L. 99-198, title XIV, §§ 1432-1434, Dec. 23, 1985, 99 Stat. 1557 (Title 7, §§ 2281 note, 3222 note, 3223)

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National Aquaculture Act of 1980

Pub. L. 98-623, title IV, § 402, Nov. 8, 1984, 98 Stat. 3407 (Title 16, § 2809)

Pub. L. 99-198, title XVII, §§ 1732-1737, Dec. 23, 1985, 99 Stat. 1641-1643 (Title 16, §§ 2801-2805, 2809)

National Aquaculture Improvement Act of 1985

Pub. L. 99-198, title XVII, §§ 1731-1737, Dec. 23, 1985, 99 Stat. 1641-1643 (Title 16, §§ 2801, 2801 note, 2802-2805, 2809)

National Archives and Records Administration Act of 1984

Pub. L. 98-497, Oct. 19, 1984, 98 Stat. 2280 (Title 1, §§ 106a, 106b, 112, 113, 201; Title 3, §§ 6, 11, 12, 13; Title 4, §§ 141-145; Title 5, §§ 552a, 5314; Title 25, § 199a; Title 44, §§ 710, 711, 729, 1501, 1502, 1503, 1506, 1714, 2101-2103, 2106-2118, 2204, 2205, 2301-2305, 2307, 2501, 2504, 2506, 2507, 2901-2909, 3102-3106, 3302, 3303, 3303a, 3308, 3310, 3311, 3504, 3513)

National Bureau of Standards Authorization Act for Fiscal Year 1986

Pub. L. 99-73, July 29, 1985, 99 Stat. 171 (Title 5, §§ 5315, 5315 note, 5316; Title 15, §§ 274, 275c, 275c note, 278b, 281a)

Pub. L. 99-105, § 7, Sept. 30, 1985, 99 Stat. 476

National Coal Imports Reporting Act of 1985

Pub. L. 99-58, title II, July 2, 1985, 99 Stat. 107 (Title 42, §§ 7277, 7277 note)

National Cooperative Research Act of 1984

Pub. L. 98-462, Oct. 11, 1984, 98 Stat. 1815 (Title 15, §§ 4301-4305)

National Critical Materials Act of 1984

Pub. L. 98-373, July 31, 1984, 98 Stat. 1248 (Title 30, §§ 1801-1810)

National Emergencies Act

Pub. L. 99-93, title VIII, § 801, Aug. 16, 1985, 99 Stat. 448 (Title 50, § 1622)

National Endowment for Democracy Act

Pub. L. 98-164, title V, Nov. 22, 1983, 97 Stat. 1039 (Title 22, §§ 4411-4413)

Pub. L. 99-93, title II, § 210, Aug. 16, 1985, 99 Stat. 431 (Title 22, §§ 4413-4415)

National Energy Extension Service Act

Pub. L. 98-454, title VI, § 601(g), Oct. 5, 1984, 98 Stat. 1736 (Title 42, § 7011)

National Fish and Wildlife Foundation Establishment Act

Pub. L. 98-244, Mar. 26, 1984, 98 Stat. 107 (Title 16, §§ 3701-3709)

National Fishery Enhancement Act of 1984

Pub. L. 98-623, title II, §§ 201, 203-208, Nov. 8, 1984, 98 Stat. 3394 (Title 16, §§ 1220, 1220a-1220d; Title 33, §§ 2101 note, 2102-2106)

National Flood Insurance Act of 1968

Pub. L. 98-35, § 4(a), (b), May 26, 1983, 97 Stat. 198 (Title 42, §§ 4026, 4056)

Pub. L. 98-109, § 5(a), (b), Oct. 1, 1983, 97 Stat. 746 (Title 42, §§ 4026, 4056)

Pub. L. 98-181, title IV, § 451(a)-(d), Nov. 30, 1983, 97 Stat. 1229 (Title 42, §§ 4011-4027, 4041, 4051-4056, 4071, 4072, 4081-4084, 4101-4104, 4104a, 4121-4123)

Pub. L. 98-479, title II, § 203(j), Oct. 17, 1984, 98 Stat. 2231 (Title 42, §§ 4017, 4101, 4124)

Pub. L. 99-120, § 4(a), Oct. 8, 1985, 99 Stat. 503 (Title 42, §§ 4026, 4056, 4101)

Pub. L. 99-156, § 4(a), Nov. 15, 1985, 99 Stat. 816 (Title 42, §§ 4026, 4056, 4101)

Pub. L. 99-219, § 4(a), Dec. 26, 1985, 99 Stat. 1731 (Title 42, §§ 4026, 4056, 4101)

National Foundation on the Arts and the Humanities Act of 1965

Pub. L. 98-306, §§ 2-7, May 31, 1984, 98 Stat. 223, 224 (Title 20, §§ 951, 953, 955, 957, 958, 960)

Pub. L. 99-194, title I, §§ 101-111, Dec. 20, 1985, 99 Stat. 1332-1342 (Title 20, §§ 951-960)

National Foundation on the Arts and the Humanities Act Amendments of 1983

Pub. L. 98-306, May 31, 1984, 98 Stat. 223 (Title 20, §§ 951, 953, 955, 957, 958, 960, 962-964, 967; Title 25, § 310)

National Guard

Sept. 24, 1983, Pub. L. 98-94, title V, § 504(b)(1), 97 Stat. 632 (Title 32, § 335)

Oct. 19, 1984, Pub. L. 98-525, title IV, § 414(b), 98 Stat. 2519 (Title 32, §§ 101, 335)

Oct. 30, 1984, Pub. L. 98-564, § 4, 98 Stat. 2919 (Title 32, § 715)

Dec. 28, 1985, Pub. L. 99-224, § 3, 99 Stat. 1742 (Title 32, § 716)

National Historic Preservation Act of 1966

Pub. L. 98-483, Oct. 17, 1984, 98 Stat. 2258 (Title 16, § 470t)

National Housing Act

May 26, 1983, Pub. L. 98-35, §§ 1, 4(c), 97 Stat. 197, 198 (Title 12, §§ 1703, 1715h, 1715*l*, 1715z, 1715z-1, 1715z-9, 1715z-10, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb)

July 30, 1983, Pub. L. 98-63, title I, § 101, 97 Stat. 321 (Title 12, § 1709)

Oct. 1, 1983, Pub. L. 98-109, §§ 1, 5(c), 97 Stat. 745, 746 (Title 12, §§ 1703, 1715, 1715*l*, 1715z, 1715z-1, 1715z-9, 1715z-10, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb)

Nov. 30, 1983, Pub. L. 98-181, title II, §§ 217(c), 218, 226, title III, § 303, title IV, §§ 401-403, 404(b)-409, 415-428, 431-437, 441-447, 452, 97 Stat. 1186, 1187, 1194, 1206-1228, 1230 (Title 12, §§ 1703, 1706d, 1707, 1709, 1710, 1713, 1715e, 1715h, 1715k, 1715*l*, 1715n, 1715u-1715w, 1715y, 1715z, 1715z-1, 1715z-5 to 1715z-7, 1715z-9, 1715z-10, 1715z-12 to 1715z-18, 1735b, 1735c, 1735f-4, 1735f-8, 1735f-9, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb to 1749bbb-3, 1749bbb-5 to 1749bbb-20)

Oct. 12, 1984, Pub. L. 98-473, title I, § 113, 98 Stat. 1964 (Title 12, § 1749bbb)

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1735f-9, 1749aaa, 1749aaa-3, 1749bbb-8, 1749bbb-13, 1749bbb-17, 1750c)

Oct. 8, 1985, Pub. L. 99-120, §§ 1, 4(b), 99 Stat. 502, 503 (Title 12, §§ 1703, 1715h, 1715*l*, 1715z, 1715z-9, 1715z-10, 1715z-14, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb)

Nov. 15, 1985, Pub. L. 99-156, §§ 1, 4(b), 99 Stat. 815, 816 (Title 12, §§ 1703, 1715h, 1715*l*, 1715z, 1715z-9, 1715z-10, 1715z-14, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb)

Dec. 26, 1985, Pub. L. 99-219, §§ 1, 4(b), 99 Stat. 1730, 1731 (Title 12, §§ 1703, 1715h, 1715*l*, 1715z, 1715z-9, 1715z-10, 1715z-14, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb)

National Labor Relations Act

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(31), 98 Stat. 3360 (Title 29, § 160)

National Manufactured Housing Construction and Safety Standards Act of 1974

Pub. L. 98-479, title II, § 204(*l*), Oct. 17, 1984, 98 Stat. 2233 (Title 42, § 5403)

National Narcotics Act of 1984

Pub. L. 98-473, title II, §§ 1301-1307, Oct. 12, 1984, 98 Stat. 2168-2170 (Title 21, §§ 1111, 1201-1204)

National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act

Pub. L. 98-210, Dec. 6, 1983, 97 Stat. 1409 (Title 46, § 801)

Pub. L. 98-623, title IV, § 401, Nov. 8, 1984, 98 Stat. 3407

National Organ Transplant Act

Pub. L. 98-507, Oct. 19, 1984, 98 Stat. 2339 (Title 42, §§ 201 note, 273, 274, 274a-274e)

National Parks and Recreation Act of 1978

Pub. L. 98-454, title VI, § 601(a), Oct. 5, 1984, 98 Stat. 1736 (Title 16, § 2512)

Pub. L. 98-572, Oct. 30, 1984, 98 Stat. 2946 (Title 16, § 460kk)

National School Lunch Act

Oct. 9, 1984, Pub. L. 98-459, title VIII, § 801(a), 98 Stat. 1792 (Title 42, § 1762a)

National Science, Engineering, and Mathematics Authorization Act of 1986

Pub. L. 99-159, Nov. 22, 1985, 99 Stat. 887 (Title 20, §§ 351a, 351c, 351d, 351f note, 353, 366, 1087bb notes, 1134h, 1221e-1b, 1221e-1c, 1411, 1411 note, 2007, 2301 note, 2311, 2311 note, 2312, 2322, 2323, 2333, 2361-2363, 2383, 2392, 2417, 2462, 2464, 2471, 2763, 3901 note, 3902, 3911-3922, 3963-3973, 3982, 3983, 3985-3988, 4003, 4033, 4051, 4053, 4056, 4059; Title 29, §§ 1503, 1753; Title 42, §§ 1861 notes, 1862-1864, 1868-1869b, 1870-1873a, 1874, 1881a, 1882, 1882 note, 1884, 1885-1885d, 1886)

National Science Foundation Act of 1950

Nov. 22, 1985, Pub. L. 99-159, title I, §§ 109(a)-(e), 110(a), 99 Stat. 889, 890 (Title 42, §§ 1862-1864, 1868, 1869, 1870-1873, 1874)

National Science Foundation Authorization Act, 1976

Pub. L. 99-159, title I, §§ 109(g), 110(b), Nov. 22, 1985, 99 Stat. 890, 892 (Title 42, §§ 1869a, 1881a)

National Science Foundation Authorization Act, Fiscal Year 1978

Pub. L. 99-159, title I, § 109(f), (h), Nov. 22, 1985, 99 Stat. 890 (Title 42, §§ 1862, 1863, 1869b, 1873, 1873a, 1882 note, 1884)

National Science Foundation Authorization Act for Fiscal Year 1980

Pub. L. 99-159, title I, § 109(i), Nov. 22, 1985, 99 Stat. 890 (Title 42, § 1882)

National Science Foundation Authorization Act for Fiscal Year 1986

Pub. L. 99-159, title I, Nov. 22, 1985, 99 Stat. 887 (Title 42, §§ 1861 notes, 1862-1864, 1868-1869b, 1870-1873a, 1874, 1881a, 1882, 1882 note, 1884-1885d, 1886)

National Science Foundation Authorization and Science and Engineering Equal Opportunities Act

Pub. L. 96-516, Dec. 12, 1980, 94 Stat. 3007 (Title 42, §§ 1861 note, 1863, 1864 note, 1866 note, 1874, 1875, 1881, 1881a, 1885-1885d)

Pub. L. 99-159, title I, § 111, Nov. 22, 1985, 99 Stat. 892 (Title 42, §§ 1861 notes, 1885-1885d)

National Sea Grant College Program Act

Pub. L. 98-623, title V, § 501(a), Nov. 8, 1984, 98 Stat. 3410 (Title 33, § 1131)

National Security Act of 1947

Dec. 9, 1983, Pub. L. 98-215, title IV, § 403, 97 Stat. 1477 (Title 50, § 403-1)

Oct. 15, 1984, Pub. L. 98-477, § 2(a), 98 Stat. 2209 (Title 50, §§ 431, 432)

Dec. 4, 1985, Pub. L. 99-169, title IV, § 401(a), (b), 99 Stat. 1004 (Title 50, § 414)

National Summit Conference on Education Act of 1984

Pub. L. 98-524, § 5, Oct. 19, 1984, 98 Stat. 2489

National Traffic and Motor Vehicle Safety Act of 1966

Pub. L. 98-620, title IV, § 402(17), Nov. 8, 1984, 98 Stat. 3358 (Title 15, § 1415)

National Trails System Act

Pub. L. 98-11, title II, §§ 202-210, Mar. 28, 1983, 97 Stat. 42-49 (Title 16, §§ 1241-1247, 1249-1251)

Pub. L. 98-405, § 1, Aug. 28, 1984, 98 Stat. 1483 (Title 16, § 1244)

National Trails System Act Amendments of 1983

Pub. L. 98-11, title II, Mar. 28, 1983, 97 Stat. 42 (Title 16, §§ 1241-1247, 1249-1251)

National Urban Policy and New Community Development Act of 1970

See Urban Growth and New Community Development Act of 1970

National Wool Act of 1954

Dec. 23, 1985, Pub. L. 99-198, title II, §§ 201, 202, 99 Stat. 1378 (Title 7, §§ 1782, 1787)

Native American Programs Act of 1974

Pub. L. 98-558, title X, §§ 1002-1005, Oct. 30, 1984, 98 Stat. 2905, 2906 (Title 42, §§ 2991b, 2992b-2992d)

Native American Programs Act Amendments of 1984

Pub. L. 98-558, title X, Oct. 30, 1984, 98 Stat. 2905 (Title 42, §§ 2991 note, 2991b, 2992b-2992d)

Native Latex Commercialization and Economic Development Act of 1978

See Critical Agricultural Materials Act

Natural Gas Pipeline Safety Act of 1968

Pub. L. 98-464, §§ 1, 3, 7, Oct. 11, 1984, 98 Stat. 1821, 1823 (Title 49, §§ 1681, 1683, 1684)

Navajo Community College Act

Pub. L. 98-192, § 14, Dec. 1, 1983, 97 Stat. 1343 (Title 25, § 640c-1)

Navajo-Hopi Land Settlement Act of 1974

Pub. L. 98-620, title IV, § 402(27), Nov. 8, 1984, 98 Stat. 3359 (Title 25, § 640d-3)

Naval Petroleum Reserves Production Act of 1976

Pub. L. 98-366, § 4(a), (b), July 17, 1984, 98 Stat. 470 (Titie 42, §§ 6502, 6504)

Navigation Acts

May 28, 1908, ch. 212, 35 Stat. 424 (Title 19, § 289; Title 33, §§ 152, 153, 443-448; See Title 46, §§ 2101, 3301, 3305, 3309, 3311, 3318, 3502, 7101, 8101; Title 46 App., §§ 104, 112, 124)

Neighborhood Reinvestment Corporation Act

Pub. L. 98-181, title I, § 125, Nov. 30, 1983, 97 Stat. 1175 (Title 42, § 8107)

Pub. L. 98-479, title II, § 203(m), Oct. 17, 1984, 98 Stat. 2231 (Title 42, § 8107)

New Hampshire Wilderness Act of 1984

Pub. L. 98-323, June 19, 1984, 98 Stat. 259 (Title 16, §§ 1132 note, 1276)

1951 Amendments to the Universal Military Training and Service Act

Nov. 8, 1985, Pub. L. 99-145, title XII, § 1224(b)(2), 99 Stat. 729 (Title 50 App., § 473)

1984 Act to Combat International Terrorism

Pub. L. 9-533, Oct. 19, 1984, 98 Stat. 2706 (Title 18, §§ 3071-3077; Title 22, §§ 2651 note, 2669, 2678, 2704, 2708)

Norris-La Guardia Act (Labor Disputes)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(30), 98 Stat. 3359 (Title 29, § 110)

North Carolina Wilderness Act of 1984

Pub. L. 98-324, June 19, 1984, 98 Stat. 263 (Title 16, § 1132 note)

Nurse Education Amendments of 1985

Pub. L. 99-92, Aug. 16, 1985, 99 Stat. 393 (Title 15, §§ 1332, 1333, 1333 note, 1336, 1341; Title 26, § 6103; Title 42, §§ 201 note, 296, 296a, 296b, 296d, 296e, 296f, 296j, 296k, 296k note, 296*l*, 296m, 297, 297-1, 297a, 297b, 297d, 297e, 297h-297j, 298, 298b, 298b-5, 298b-5 notes)

Pub. L. 99-129, title II, § 207(e)(4), Oct. 22, 1985, 99 Stat. 529 (Title 42, § 298b-5 note)

Occupational Safety and Health Act of 1970

Pub. L. 98-620, title IV, § 402(32), Nov. 8, 1984, 98 Stat. 3360 (Title 29, § 660)

Ocean Thermal Energy Conversion Act of 1980

Pub. L. 98-623, title VI, §§ 601, 602, Nov. 8, 1984, 98 Stat. 3410 (Title 42, §§ 9101, 9102, 9111, 9112, 9115, 9118-9122, 9126, 9151-9153, 9163, 9165, 9166, 9168)

Office of Federal Procurement Policy Act

Pub. L. 98-191, §§ 2-7, 8(a)-(c), Dec. 1, 1983, 97 Stat. 1325-1331 (Title 41, §§ 401, 403, 405, 407, 409-411, 413-415)

Pub. L. 98-369, title VII, §§ 2731, 2732, July 18, 1984, 98 Stat. 1195 (Title 41, §§ 403, 405, 414, 416-419)

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Office of Federal Procurement Policy Act Amendments of 1983

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Officers Competency Certificates Act

July 17, 1939, ch. 316, 53 Stat. 1049 (See Title 46, §§ 8303, 8304)

Old Age Assistance Claims Settlement Act (Indians)

Pub. L. 98-500, Oct. 19, 1984, 98 Stat. 2317 (Title 25, §§ 2301-2307)

Older Americans Act of 1965

Pub. L. 98-459, title I, § 102, title II, §§ 201-208, title III, §§ 301-312, title IV, §§ 401-413, title V, §§ 501-505, title VI, §§ 601-603, Oct. 9, 1984, 98 Stat. 1767-1775, 1777, 1779-1788 (Title 42, §§ 3001, 3011-3013, 3015-3018, 3020b, 3021-3029, 3030a, 3030c, 3030d, 3030aa, 3030bb, 3030jj, 3031, 3032, 3034-3035d, 3037-3037b, 3056, 3056a, 3056d-3056f, 3057a, 3057c, 3057g, 3058-3058d)

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Older Americans Personal Health Education and Training Act
Pub. L. 98-459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1788 (Title 42, §§ 3058, 3058a, 3058d)

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Pub. L. 98-94, title XII, § 1255, Sept. 24, 1983, 97 Stat. 700 (Title 20, § 237 note)
Pub. L. 98-181, title II, § 206(e), title IV, § 471, Nov. 30, 1983, 97 Stat. 1181, 1237 (Title 12, § 3703; Title 42, § 1437a note)
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Pub. L. 98-211, §§ 20, 24(a), Dec. 8, 1983, 97 Stat. 1418, 1419 (Title 20, §§ 1221e-1 note, 3489)
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Pub. L. 98-306, § 12, May 31, 1984, 98 Stat. 225 (Title 20, §§ 960 note, 967 note)
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Pub. L. 98-369, title II, §§ 2203, 2205, July 18, 1984, 98 Stat. 1059 (Title 5, §§ 5532 note, 8331 note)
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Omnibus Crime Control and Safe Streets Act of 1968
Pub. L. 98-411, title II, § 204(a), Aug. 30, 1984, 98 Stat. 1561 (Title 42, §§ 3796, 3796a, 3796b)
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Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act
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Oregon Wilderness Act of 1984
Pub. L. 98-328, June 26, 1984, 98 Stat. 272 (Title 16, §§ 460oo, 1132 note)

Organic Act of Guam
Dec. 8, 1983, Pub. L. 98-213, § 5(b), 97 Stat. 1460 (Title 48, § 1423)
Oct. 5, 1984, Pub. L. 98-454, title II, § 203, title VIII, §§ 801, 802, 98 Stat. 1733, 1741, 1743 (Title 48, §§ 1423a, 1424, 1424b)

Organized Crime Control Act of 1970
Pub. L. 98-473, title II, § 1209(b), Oct. 12, 1984, 98 Stat. 2163 (Title 18, note prec. § 3481)

Orphan Drug Act
Pub. L. 98-551, § 4, Oct. 30, 1984, 98 Stat. 2817 (Title 21, §§ 360bb, 360ee)
Pub. L. 99-91, § 5, Aug. 15, 1985, 99 Stat. 391 (Title 21, § 360ee)
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Osage Tribe of Indians Technical Corrections Act of 1984
Pub. L. 98-605, Oct. 30, 1984, 98 Stat. 3163 (Title 25, §§ 331 note, 883)

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Outer Continental Shelf Lands Act Amendments of 1978
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Overseas Private Investment Corporation Amendments Act of 1985
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Pacific Salmon Treaty Act of 1985
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Pub. L. 98-217, Feb. 14, 1984, 98 Stat. 9 (Title 22, § 3612)
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Pub. L. 99-223, §§ 5-7, Dec. 28, 1985, 99 Stat. 1739, 1740 (Title 22, §§ 3612, 3647, 3650, 3731, 3784)

Panama Canal Amendments Act of 1985
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Panama Canal Commission Authorization Act, Fiscal Year 1986
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Oct. 13, 1983, Pub. L. 98-127, § 4, 97 Stat. 832 (Title 35, § 155A)
Sept. 24, 1984, Pub. L. 98-417, title II, §§ 201(a), 202, 203, 98 Stat. 1598, 1603 (Title 35, §§ 156, 271, 282)
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Pennsylvania Wilderness Act of 1984
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Perishable Agricultural Commodities Act, 1930
May 7, 1984, Pub. L. 98-273, §§ 1, 2, 98 Stat. 165 (Title 7, §§ 499b, 499e)

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Pork Promotion, Research, and Consumer Information Act of 1985
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Pub. L. 95-474, Oct. 17, 1978, 92 Stat. 1471 (Title 33, §§ 1221-1232; See Title 46, §§ 2101, 2106, 2107, 2109, 2301, 3301, 3303, 3309, 3313, 3701-3718, 7101, 7317, 8502, 8703, 9101, 9102)

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President

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Presidential Libraries Act

Aug. 12, 1955, ch. 859, 69 Stat. 695 (See Title 44, §§ 2101, 2111, 2112)

Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1287-1289 (Title 44, §§ 2101, 2111, 2112)

Presidential Protection Assistance Act of 1976

Pub. L. 99-190, § 143, Dec. 19, 1985, 99 Stat. 1324 (Title 18, § 3056 note)

Presidential Recordings and Materials Preservation Act

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Pub. L. 98-497, title I, § 107(c), Oct. 19, 1984, 98 Stat. 2291 (Title 44, § 2111 note)

Presidential Records Act of 1978

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Pub. L. 98-473, title III, §§ 301-305, Oct. 12, 1984, 98 Stat. 2194 (Title 7, §§ 1723, 1728, 1728a, 1728b)

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Pub. L. 98-555, Oct. 30, 1984, 98 Stat. 2854 (Title 42, §§ 201 note, 247b, 247c, 255, 300w, 300w-4, 300w-5, 300w-10)

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July 1, 1902, ch. 1370, 32 Stat. 712 (See Title 46, §§ 10901, 10903)

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Apr. 26, 1983, Pub. L. 98-24, §§ 2(a), (b), 5(b), 97 Stat. 176-182, 184 (Title 42, §§ 218, 278, 289*l*-4, 290aa, 290aa-1 to 290aa-5, 290bb, 290bb-1, 290bb-2, 290cc, 290dd, 290dd-1 to 290dd-3, 290ee, 290ee-1 to 290ee-3, 300aa to 300aa-14)

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Aug. 15, 1985, Pub. L. 99-91, § 7, 99 Stat. 392 (Title 42, § 295g-1)

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Oct. 7, 1985, Pub. L. 99-117, §§ 2-9, 11(a), (b), 12, 99 Stat. 491-495 (Title 42, §§ 207, 210, 213a, 242c, 242n, 243, 246, 247, 247e, 253, 254a-1, 290aa-3, 299-299j, 300d-4, 300d-6, 300x-4, 300x-5, 300x-9, 300aa-4)

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Nov. 20, 1985, Pub. L. 99-158, §§ 2, 3(a)-(c), 11, 99 Stat. 822-880, 883 (Title 42, §§ 217a, 218, 241, 275-280a-1, 280b to 280b-2, 280b-4, 280b-5, 280b-7 to 280b-11, 281-284a, 284c, 285, 285a to 285a-5, 285b to 285b-6, 285c to 285c-7, 285d to 285d-7, 285e to 285e-2, 285f, 285g to 285g-3, 285h, 285i, 285j to 285j-2, 285k, 285*l*, 286 to 286a-1, 286b to 286b-8, 286c-286e, 287 to 287a-1, 287b, 287c to 287c-3, 287d-287i, 288-288b, 289 to 289c-7, 289d, 289e-289k, 289k-2 to 289k-5, 289*l* to 289*l*-8, 290aa-5, 300c-12)

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Pub. L. 99-151, title III, § 305, Nov. 14, 1985, 99 Stat. 808 (Title 44, § 311)

Public Utility Holding Company Act of 1935

Dec. 18, 1985, Pub. L. 99-186, 99 Stat. 1180 (Title 15, § 79k note)

Public Utility Regulatory Policies Act of 1978

Pub. L. 98-620, title IV, § 402(45), Nov. 8, 1984, 98 Stat. 3360 (Title 43, § 2011)

Public Works Improvement Act of 1984

Pub. L. 98-501, title I, Oct. 19, 1984, 98 Stat. 2320 (Title 42, § 3121 note)

Radio Broadcasting to Cuba Act

Pub. L. 98-111, Oct. 4, 1983, 97 Stat. 749 (Title 22, §§ 1465, 1465a-1465g)

Pub. L. 98-411, title V, § 512, Aug. 30, 1984, 98 Stat. 1574 (Title 22, § 1465e)

Rail Safety and Service Improvement Act of 1982

Pub. L. 98-620, title IV, § 402(52), Nov. 8, 1984, 98 Stat. 3361 (Title 45, § 1205)

Railroad Retirement Act of 1974

Pub. L. 98-21, title I, § 123(b)(5), Apr. 20, 1983, 97 Stat. 89 (Title 45, § 231n note)

Pub. L. 98-76, title I, §§ 101(a), (b), 102(a)-(c), 103(a), 104(a)-(c), 105, 106(a)-(j), 107(a), (b), title III, § 301(a), (b), title IV, §§ 401(a), 402(a), (b), 403(a), (b), 404(1), (2), 405(a), 406(a), 407(a), 408, 409(a), 410(a), 411(a), 413(a), 414(a), 415-417(a), 418, 419(a), title V, § 501(a), Aug. 12, 1983, 97 Stat. 411-438 (Title 45, §§ 231, 231a-231c, 231e, 231f, 231m, 231n, 231n-1, 231u, 231v, 351, 353, 354)

Pub. L. 98-369, title III, § 2349(b)(2), July 18, 1984, 98 Stat. 1097 (Title 45, § 231f)

Railroad Retirement Revenue Act of 1983

Pub. L. 98-76, title II, Aug. 12, 1983, 97 Stat. 419 (Title 26, §§ 1 note, 72, 86, 105, 3201, 3202, 3211, 3221, 3231, 3321-3323, 6050G, 6157, 6201, 6302 note, 6317, 6513, 6601; Title 42, § 430; Title 45, § 231n note)

Railroad Retirement Solvency Act of 1983

Pub. L. 98-76, Aug. 12, 1983, 97 Stat. 411 (Title 26, §§ 1 note, 72, 86, 105, 3201, 3202, 3211, 3221, 3231, 3321-3323, 6050G, 6157, 6201, 6302 note, 6317, 6513, 6601; Title 42, § 430; Title 45, §§ 231, 231a-231f, 231i, 231m, 231n, 231t note, 231u, 231v, 351-354, 358, 362 note)

Railroad Unemployment Insurance Act

Mar. 24, 1983, Pub. L. 98-8, title I, § 102(a), 97 Stat. 32 (Title 45, § 368)

Aug. 12, 1983, Pub. L. 98-76, title III, § 302, title IV, §§ 402(b), 403(b), 411(a), 412(a), title V, § 503(a), (b), 97 Stat. 432-440 (Title 45, §§ 231i, 351-354, 358)

Nov. 30, 1983, Pub. L. 98-181, title II, § 2005(a), 97 Stat. 1298 (Title 45, § 368)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(47), 98 Stat. 3360 (Title 45, § 355)

Sept. 30, 1985, Pub. L. 99-107, § 4, 99 Stat. 479 (Title 45, § 360)

Nov. 14, 1985, Pub. L. 99-155, § 2(c), 99 Stat. 814 (Title 45, § 360)

Dec. 13, 1985, Pub. L. 99-181, § 3, 99 Stat. 1172 (Title 45, § 360)

Dec. 18, 1985, Pub. L. 99-189, § 3, 99 Stat. 1184 (Title 45, § 360)

Rattlesnake National Recreation Area and Wilderness Act of 1980

Pub. L. 98-140, § 7, Oct. 31, 1983, 97 Stat. 907 (Title 16, § 460*ll*-3)

Real Estate Settlement Procedures Act of 1974

Pub. L. 98-181, title IV, § 461, Nov. 30, 1983, 97 Stat. 1230 (Title 12, §§ 2602, 2607, 2614, 2617)

Reclamation Project Authorization Act of 1972

Pub. L. 98-570, § 1, Oct. 30, 1984, 98 Stat. 2941 (Title 43, §§ 615aaa, 615ddd, 615eee)

Reclamation Safety of Dams Act of 1978

Pub. L. 98-404, Aug. 28, 1984, 98 Stat. 1481 (Title 43, §§ 506 note, 508, 509)

Reclamation Safety of Dams Act Amendments of 1984

Pub. L. 98-404, Aug. 28, 1984, 98 Stat. 1481 (Title 43, §§ 506 note, 508, 509)

Record Rental Amendment of 1984

Pub. L. 98-450, Oct. 4, 1984, 98 Stat. 1727 (Title 17, §§ 101, 109, 115)

Recreational Boating Fund Act of 1980

Pub. L. 96-451, title II, Oct. 14, 1980, 94 Stat. 1987 (Title 23, § 120 note; Title 26, § 4041 note; See Title 46, § 13107)

Pub. L. 98-89, §§ 1, 4(b), Aug. 26, 1983, 97 Stat. 500, 599 (See Title 46, § 13107)

Recreational Boating Safety and Facilities Improvement Act of 1980

Pub. L. 96-451, title I, Oct. 14, 1980, 94 Stat. 1983 (See Title 46, §§ 2101, 13101-13106, 13108, 13109)

Referees Salary and Expense Fund Act of 1984

Pub. L. 98-353, title III, §§ 381, 382, July 10, 1984, 98 Stat. 364

Regional Rail Reorganization Act of 1973

Pub. L. 98-181, title II, § 2003(c), Nov. 30, 1983, 97 Stat. 1297 (Title 45, § 711)

Pub. L. 98-620, title IV, § 402(48), Nov. 8, 1984, 98 Stat. 3360 (Title 45, § 745)

Pub. L. 99-190, § 101(e) [title III, § 332], Dec. 19, 1985, 99 Stat. 1267, 1290 (Title 45, § 711)

Rehabilitation Act of 1973

Pub. L. 98-221, title I, §§ 101-104(a), (b), 111-114, 121-123, 131-137, 141-143, 151, 161-165, 171, 172, title II, §§ 203, 208, Feb. 22, 1984, 98 Stat. 17-32 (Title 29, §§ 706, 712-714, 720-722, 730, 732, 741, 761-761b, 762, 771, 772, 774, 775, 777, 777a, 777c, 777f, 780, 781, 783, 791, 792, 794c, 795a, 795c, 795f, 795g, 795l, 796e, 796l)

Pub. L. 98-524, § 4(f), Oct. 19, 1984, 98 Stat. 2489 (Title 29, § 721)

Rehabilitation Amendments of 1984

Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 17 (Title 29, §§ 701 note, 706, 712-714, 720-722, 730, 732, 741, 761-761b, 762, 762a, 771, 772, 774, 775, 777, 777a, 777f, 780, 780a, 781, 783, 791, 792, 794c, 795a, 795c, 795f, 795g, 795l, 796e, 796l, 1901-1906; Title 42, §§ 6001, 6012, 6033, 6061, 6081)

Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978

Pub. L. 98-221, title I, § 104(c), Feb. 22, 1984, 98 Stat. 18 (Title 29, §§ 713 note, 762a)

Renewable Energy Industry Development Act of 1983

Pub. L. 98-370, July 18, 1984, 98 Stat. 1211 (Title 42, §§ 6201 note, 6276)

Reorganization Act Amendments of 1984

Pub. L. 98-614, Nov. 8, 1984, 98 Stat. 3192 (Title 5, §§ 901 note, 903-906, 908-911)

Research Facilities Act

Pub. L. 88-74, July 22, 1963, 77 Stat. 90 (Title 7, §§ 390-390k)

Pub. L. 94-273, § 7(1), Apr. 21, 1976, 90 Stat. 378 (Title 7, § 390h)

Pub. L. 95-113, title XIV, § 1416, Sept. 29, 1977, 91 Stat. 994 (Title 7, §§ 390-390k)

Pub. L. 97-98, title XIV, § 1416, Dec. 22, 1981, 95 Stat. 1304 (Title 7, § 390c)

Pub. L. 99-198, title XIV, § 1411(*l*), Dec. 23, 1985, 99 Stat. 1548 (Title 7, § 390 note)

Retirement Equity Act of 1984

Pub. L. 98-397, Aug. 23, 1984, 98 Stat. 1426 (Title 26, §§ 72, 401, 402, 410, 411, 414, 417, 6057, 6652; Title 29, §§ 1001 note, 1025, 1052-1056, 1144)

Revenue Act of 1971

Pub. L. 98-369, title IV, § 450, title VIII, § 804(b), July 18, 1984, 98 Stat. 818, 1000 (Title 26, §§ 38 note, 991 note)

Revenue Act of 1978

Pub. L. 98-369, title X, § 1075, July 18, 1984, 98 Stat. 1053 (Title 26, § 85 note)

Revised Organic Act of the Virgin Islands

Dec. 8, 1983, Pub. L. 98-213, § 5(a), (d), 97 Stat. 1460 (Title 48, §§ 1543, 1561)

Oct. 5, 1984, Pub. L. 98-454, title II, § 201, title V, § 502, title VII, §§ 701-708, 98 Stat. 1732, 1735, 1737-1741 (Title 48, §§ 1561, 1574, 1591, 1611-1613, 1613a, 1614, 1614 note, 1615, 1617)

Right to Financial Privacy Act of 1978

Pub. L. 98-21, title I, § 121(c)(3)(C), Apr. 20, 1983, 97 Stat. 83 (Title 12, § 3413)

River and Harbor Act of 1958

Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 313 (Title 33, § 610)

River and Harbor Act of 1970

Pub. L. 98-181, title I, § 1306, Nov. 30, 1983, 97 Stat. 1293

Rock Island Railroad Transition and Employee Assistance Act

Pub. L. 98-620, title IV, § 402(49), Nov. 8, 1984, 98 Stat. 3361 (Title 45, § 1018)

Runaway and Homeless Youth Act

Pub. L. 98-473, title II, §§ 650-657, Oct. 12, 1984, 98 Stat. 2122-2125 (Title 42, §§ 5702, 5711-5716, 5741, 5751)

Rural Development Act of 1972

Pub. L. 99-198, title XIV, § 1440, Dec. 23, 1985, 99 Stat. 1560 (Title 7, §§ 2662, 2663)

Rural Health Clinics Act of 1983

Pub. L. 98-194, Dec. 1, 1983, 97 Stat. 1345 (Title 42, §§ 201 note, 254g)

Rural Housing Amendments of 1983

Pub. L. 98-181, title V, Nov. 30, 1983, 97 Stat. 1240-1254 (Title 42, §§ 1441 note, 1471, 1472, 1474, 1476, 1479-1487, 1490, 1490a, 1490c, 1490e-1490g, 1490i-1490*o*)

Saccharin Study and Labeling Act

Pub. L. 98-22, § 2, Apr. 22, 1983, 97 Stat. 173 (Title 21, § 348 note)

Pub. L. 99-46, May 24, 1985, 99 Stat. 81 (Title 21, § 348 note)

Saccharin Study and Labeling Act Amendment of 1983

Pub. L. 98-22, Apr. 22, 1983, 97 Stat. 173 (Title 31, §§ 301 note, 348 note)

Sailing School Vessels Act of 1982

Pub. L. 97-322, title II, §§ 201-208, Oct. 15, 1982, 96 Stat. 1588-1590 (See Title 46, §§ 2101, 2106, 3301, 3303, 3305-3307, 3309,

Sailing School Vessels Act of 1982—Continued
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Pub. L. 98–89, §§ 1, 4(b), Aug. 26, 1983, 97 Stat. 500, 599 (See Title 46, §§ 2101, 2106, 3301, 3303, 3305–3307, 3309, 3311, 3313, 3318, 7311, 8101, 8901, 8902, 8906)
Pub. L. 98–557, § 34(b), Oct. 30, 1984, 98 Stat. 2876 (Title 46 App., § 446b)

Saint Elizabeths Hospital and District of Columbia Mental Health Services Act
Pub. L. 98–621, Nov. 8, 1984, 98 Stat. 3369 (Title 24, §§ 161, 164–166, 168, 168a, 169, 169a, 170–172, 175–177, 180–185, 191, 192, 194–196, 196b, 197–204, 206, 211–211b, 212–214, 221, 222, 225–225g, 324; Title 42, § 300aa–3)

Salvage Act
Aug. 1, 1912, ch. 268, 37 Stat. 242 (See Title 46, § 2304; Title 46 App., §§ 727, 729–731)

San Antonio Missions National Historical Park
Pub. L. 95–629, title II, § 201, Nov. 10, 1978, 92 Stat. 3636 (Title 16, § 410ee)

San Juan Basin Wilderness Protection Act of 1984
Pub. L. 98–603, Oct. 30, 1984, 98 Stat. 3155 (Title 16, § 1132 note; Title 25, § 640d–10)

Science and Engineering Equal Opportunities Act
Pub. L. 96–516, §§ 31–34, 36, 37, Dec. 12, 1980, 94 Stat. 3010–3013 (Title 42, §§ 1861 note, 1885–1885d)
Pub. L. 99–159, title I, § 111(b)(1), Nov. 22, 1985, 99 Stat. 892 (Title 42, § 1861 note)

Sea Grant Program Improvement Act of 1976
Pub. L. 98–623, title V, § 501(b), Nov. 8, 1984, 98 Stat. 3410 (Title 33, § 1124a)

Seamen Discharge Act
Mar. 24, 1937, ch. 49, 50 Stat. 49 (See Title 46, §§ 7302–7304, 7316, 7318, 7319, 7501, 7502, 8701, 8702, 10102, 10103, 10306, 10311, 10503)

Seamen's Act
Mar. 4, 1915, ch. 153, 38 Stat. 1164 (Title 22, § 258; Title 33, §§ 365, 366; See Title 46, §§ 2101, 2106, 3318, 7301, 7302, 7306–7315, 8101, 8103, 8104, 8701, 8702, 10101, 10303, 10304, 10309, 10313–10316, 10318, 10504–10507, 10901, 10905, 11101, 11108, 11109, 11501, 11503, 11507; Title 46 App., § 688)

Seamen's Service Act
Pub. L. 91–603, Dec. 31, 1970, 84 Stat. 1674 (Title 10, § 2604; Title 46 App., §§ 1151, 1152, 1171, 1223)

Second Deficiency Appropriation Act, fiscal year 1920
Mar. 6, 1920, ch. 94, § 1, 41 Stat. 506, 507, 512, 513, 520 (See Title 1, § 107; See Title 14, §§ 144(b), 145(b); Title 24, §§ 168, 176; See Title 35, § 42; Title 40, § 272; Title 42, § 32)
Nov. 8, 1984, Pub. L. 98–621, § 10(c), 98 Stat. 3379 (Title 24, §§ 168, 176)

Second Supplemental Appropriations Act, 1984
Pub. L. 98–396, Aug. 22, 1984, 98 Stat. 1369 (Title 5, §§ 5532, 8340 note, 8344; Title 12, § 1701j-2 note; Title 16, § 461 note; Title 20, §§ 240, 241ee, 241-1 note; Title 37, § 430 note; Title 39, § 1206 note; Title 40, § 174j-9; Title 42, § 645; Title 49 App., § 1604)
Pub. L. 99–88, title I, § 100, Aug. 15, 1985, 99 Stat. 332

Second Washington Airport Act
See Dulles International Airport Act

Secondary Mortgage Market Enhancement Act of 1984
Pub. L. 98–440, Oct. 3, 1984, 98 Stat. 1689 (Title 12, §§ 24, 1451, 1454, 1455, 1464, 1701 note, 1717, 1723, 1723a, 1723c, 1757; Title 15, §§ 77r–1, 78c, 78g, 78h, 78k)

Securities Exchange Act of 1934
June 6, 1983, Pub. L. 98–38, §§ 1, 2(a), (b), 3, 4, 97 Stat. 205–207 (Title 15, §§ 78d, 78m, 78n, 78*o*, 78*o*–4)
Aug. 10, 1984, Pub. L. 98–376, §§ 2–6, 98 Stat. 1264, 1265 (Title 15, §§ 78c, 78*o*, 78u, 78ff)
Oct. 3, 1984, Pub. L. 98–440, title I, §§ 101–104, 98 Stat. 1689, 1690 (Title 15, §§ 78c, 78g, 78h, 78k)
Nov. 8, 1984, Pub. L. 98–620, title IV, § 402(14), 98 Stat. 3358 (Title 15, § 78k–1)
Dec. 28, 1985, Pub. L. 99–222, § 2, 99 Stat. 1737 (Title 15, § 78n)

Semiconductor Chip Protection Act of 1984
Pub. L. 98–620, title III, Nov. 8, 1984, 98 Stat. 3347 (Title 17, §§ 901–914)

Sentencing Reform Act of 1984
Pub. L. 98–473, title II, § 211, Oct. 12, 1984, 98 Stat. 1987 (Title 18, § 3551 note)

Sentencing Reform Amendments Act of 1985
Pub. L. 99–217, Dec. 26, 1985, 99 Stat. 1728 (Title 18, § 3551 notes; Title 28, § 994)

Shareholder Communications Act of 1985
Pub. L. 99–222, Dec. 28, 1985, 99 Stat. 1737 (Title 15, §§ 78a note, 78n, 78n note)

Shipping
Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 500 (Title 46, §§ 2101–13110)
Pub. L. 98–364, title IV, § 402, July 17, 1984, 98 Stat. 445 (Title 46, §§ 2101, 3301, 3302, 3304, 3306, 3702, 4501–4504, 7111, 7301, 7306, 7311a, 7312, 8102, 8104, 8701, 8702, 10101, 11108, 11109, 12101)
Pub. L. 98–369, title X, §§ 1011, 1012, 1016(c), July 18, 1984, 98 Stat. 1013, 1020 (Title 46, §§ 2102, 13101–13103, 13105–13109)
Pub. L. 98–454, title III, § 301, 98 Stat. 1734 (Title 46, §§ 2101, 12106, 12108)
Pub. L. 98–498, title II, §§ 211, 212, Oct. 19, 1984, 98 Stat. 2303, 2305 (Title 46, §§ 2301, 2306, 3309, 3311, 3318, 6101, 6103)
Pub. L. 98–557, §§ 7, 8, 13, 18, 22(a), (b), 29(a)–(f), 30, 33, 34(a), Oct. 30, 1984, 98 Stat. 2862, 2863, 2869, 2871, 2873–2876 (Title 46, §§ 2101, 2114, 2302, 3102, 4307, 4311, 4502, 4503, 6101, 6102, 7101, 8101, 8104, 8301, 8501–8503, 8703, 10101, 11301, 11302)

Shipping—Continued
- Pub. L. 98-623, title VII, § 701, Nov. 8, 1984, 98 Stat. 3413 (Title 46, § 3102)
- Pub. L. 99-36, § 1(a), May 15, 1985, 99 Stat. 67 (Title 46, §§ 3305, 3501, 7501, 7503, 7702-7705, 8302, 10504, 11101, 12101, 12104, 12109, 12110, 12114)

Shipping Acts
- See, also, Merchant Marine Acts
- June 26, 1884, ch. 121, 23 Stat. 53 (Title 22, § 1186; See Title 46, §§ 2101, 2108, 8103, 10314-10316, 10318, 10505-10507, 10901, 10906, 10908, 11103-11106, 11503; Title 46 App., §§ 101, 121, 189)
- June 19, 1886, ch. 421, 24 Stat. 79 (See Title 46, §§ 2101, 2110, 3304-3307, 10314-10316, 10505, 10506, 11103, 11104, 11110; Title 46 App., §§ 77, 121, 142, 188, 289, 319, 320)
- Mar. 3, 1897, ch. 389, 29 Stat. 687 (Title 33, §§ 320, 323, 331, 341, 342, 350, 351, 364; See Title 46, §§ 3306, 10301, 10302, 10704-10706, 10708, 10710, 11101, 11110; Title 46 App., § 677)

Shipping Act, 1916
- Mar. 20, 1984, Pub. L. 98-237, § 20(a), (b), 98 Stat. 88, 89 (Title 46 App., §§ 801, 812-817, 819-821, 824, 825, 828-831, 841b, 841c)
- Oct. 30, 1984, Pub. L. 98-595, § 3(a), 98 Stat. 3132 (Title 46 App., §§ 801, 815, 820)

Shipping Act of 1984
- Pub. L. 98-237, Mar. 20, 1984, 98 Stat. 67 (Title 46 App., §§ 801, 812-817, 819-821, 824, 825, 828-831, 841b, 841c, 1122, 1124, 1701-1720)
- Pub. L. 98-595, § 3(b), Oct. 30, 1984, 98 Stat. 3132 (Title 46 App., §§ 1704, 1710, 1714)

Shipping Commissioners Acts
- June 7, 1872, ch. 322, 17 Stat. 262
- June 9, 1874, ch. 260, 18 Stat. 64
- Aug. 19, 1890, ch. 801, 26 Stat. 320 (See Title 46, § 11110)

Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act
- Pub. L. 98-432, Sept. 28, 1984, 98 Stat. 1671

Single Audit Act of 1984
- Pub. L. 98-502, Oct. 19, 1984, 98 Stat. 2327 (Title 31, §§ 7501-7507)

Sitka National Cemetery Transfer Act of 1983
- Pub. L. 98-63, title I, §§ 1-3, July 30, 1983, 97 Stat. 322

Small Business Act
- July 13, 1983, Pub. L. 98-47, §§ 1(a), 2, 3, 97 Stat. 243 (Title 15, § 637)
- Aug. 11, 1983, Pub. L. 98-72, 97 Stat. 403 (Title 15, § 637)
- Apr. 18, 1984, Pub. L. 98-270, title III, §§ 301-306, 308-311, 98 Stat. 159-161 (Title 15, §§ 631 note, 632, 633, 636, 647)
- July 10, 1984, Pub. L. 98-352, §§ 2, 4, 5, 98 Stat. 329, 331 (Title 15, §§ 633, 634, 639)
- July 16, 1984, Pub. L. 98-362, §§ 3, 4, 5(a), 6, 98 Stat. 431, 433, 434 (Title 15, §§ 632, 633, 637)
- July 18, 1984, Pub. L. 98-369, title IV, § 2401, 98 Stat. 1116 (Title 15, § 647)
- Aug. 21, 1984, Pub. L. 98-395, §§ 2, 3, 5, 98 Stat. 1366, 1367, 1368 (Title 15, §§ 631 note, 636, 648)
- Oct. 12, 1984, Pub. L. 98-473, title I, § 111A, 98 Stat. 1965 (Title 15, §§ 632, 649-1)
- Oct. 30, 1984, Pub. L. 98-577, title IV, §§ 401, 402, 403(a), 404(a), 98 Stat. 3079-3082 (Title 15, §§ 637, 644)

Small Business and Federal Procurement Competition Enhancement Act of 1984
- Pub. L. 98-577, Oct. 30, 1984, 98 Stat. 3066 (Title 10, §§ 2302, 2303a, 2304, 2311, 2320; Title 15, §§ 637, 644; Title 41, §§ 251 note, 253, 253b-253g, 259, 403, 414a, 416, 418 note, 418a, 418b, 419)
- Pub. L. 99-145, title IX, § 961(d)(3), Nov. 8, 1985, 99 Stat. 704 (Title 41, § 418a note)

Small Business Computer Security and Education Act of 1984
- Pub. L. 98-362, July 16, 1984, 98 Stat. 431 (Title 15, §§ 631 note, 632, 633, 637)

Small Business Development Center Act of 1980
- Pub. L. 98-395, § 4, Aug. 21, 1984, 98 Stat. 1368 (Title 15, § 648 note)

Small Business Development Center Improvement Act of 1984
- Pub. L. 98-395, Aug. 21, 1984, 98 Stat. 1366 (Title 15, §§ 631 note, 636, 648, 648 note)

Small Business Investment Act of 1958
- Pub. L. 98-473, title I, § 115, Oct. 12, 1984, 98 Stat. 1967 (Title 15, § 694-1)
- Pub. L. 98-620, title IV, § 402(15), Nov. 8, 1984, 98 Stat. 3358 (Title 15, §§ 687a, 687c)
- Pub. L. 99-226, § 1, Dec. 28, 1985, 99 Stat. 1744 (Title 15, § 687)

Small Business Secondary Market Improvements Act of 1984
- Pub. L. 98-352, July 10, 1984, 98 Stat. 329 (Title 15, §§ 631 note, 633, 634, 639)

Small Tract Act of 1983
- Pub. L. 97-465, Jan. 12, 1983, 96 Stat. 2535 (Title 16, §§ 484a, 521c-521i)

Social Security Act
- Apr. 20, 1983, Pub. L. 98-21, title I, §§ 101(a), (c)(1), 102(a), 103(a), 111(a)(1)-(7), (b)(1), (2), (c), 112(a)-(d), 113, 114(a)-(c)(1), 124(c)(3), 126, 131(a)-(c), 132(a), (b), 133(a), (b), 134(a), (b), 141(a), (b), 142(a)(1), (2)(A), (3), (4), (b)(1), (2)(A), (3), 143, 151(a), (b)(1), 152(a), 154(a)-(c), title II, § 201(a)-(c), title III, §§ 301-304, 305(a)-(d), 306, 307(a), 308, 309(a)-(q)(1), 321(b), 322(a)(1), (b)(1), 323(a)(2), (b)(2), 324(c), 325(a), 326, 327(a)(2), (b)(2), 328(b), 331(a), (b), 332(a), (b), 333(a), 334(a), 335(a), (b)(1), 336, 337(a), 339(a), (b), 340(a)(2), (b), 341(a)-(c), 342(a), 345(a), 346(a)(1), (b), 347(a), title IV, §§ 401, 402, 403(a), 404(a), (b), title V, §§ 511, 514, 515(a), 523(b), title VI, §§ 601(a)(1), (2), (b)-(f), 602(a)-(j), 606(a), (b), 607(a)-(d), 97 Stat. 67-172 (Title 42, §§ 401, 402, 403, 405, 407, 409, 410, 411, 415, 416, 417, 418, 422, 423, 425, 426, 427, 428, 429, 430, 433, 503, 602, 659,

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Aug. 12, 1983, Pub. L. 98-76, title II, § 211(d), 97 Stat. 419 (Title 42, § 430)

Aug. 29, 1983, Pub. L. 98-90, § 1, 97 Stat. 606 (Title 42, § 1395f)

Oct. 11, 1983, Pub. L. 98-118, §§ 2, 5, 97 Stat. 803, 804 (Title 42, §§ 423, 1322)

Oct. 24, 1983, Pub. L. 98-135, title II, §§ 204, 205(a), 97 Stat. 861 (Title 42, §§ 1323, 1397b)

July 18, 1984, Pub. L. 98-369, div. A, title I, § 102(c)(2), div. A, title IV, § 491(d)(39), div. A, title V, § 531(d)(1)(B), div. B, title III, §§ 2301(a), 2302(a), (b), 2303(a)-(g), 2304(c), 2305(a)-(d), 2306(a), (b)(1), (c), (f), 2307(a)(1), (2), (b)(1), 2308(b)(2), 2310(a), 2311(a)-(c), 2312(a), (b), 2313(a)-(d), 2314(a), (b), 2315(a)-(e), 2318(a), (b), 2319(a), (b), 2321(a)-(f), 2322(a), 2323(a)-(c), 2324(a), 2326(b)-(d), 2331(a), 2332(a), 2333(a), (b), 2334(a), (b), 2335(a)-(f), 2336(a), (b), 2337(a), 2338(a)-(c), 2339, 2340(a), (b), 2341(a)-(c), 2342(a), (b), 2343(a), (b), 2344(a)-(c), 2345(a), 2346(a), 2347(a), (c), 2348(a), 2349(a), (b)(1), (3), 2350(a)-(c), 2351(a), (b)(1), 2352(a), 2354(a)-(c), 2361(a)-(c), 2362(a), 2363(a), (b), 2364, 2365(a), 2367(a), (b), 2368(a), (b), 2369(a), 2370(a), 2371(a), 2372, 2373(a), (b), div. B, title VI, §§ 2601(a), 2602(a), 2603(a)(1), (c)(1), (d)(1), 2611, 2612(a), 2613, 2614, 2615(a), 2616(a), 2621-2623, 2624(a), 2625(a), 2626-2636, 2638(a), 2639(a), (b), 2640, 2641(a), 2642(a), (b), 2651(a)-(h), (j), 2661(a)-(n), 2663(a)-(h), (j)(1)-(4), (k), (*l*), 98 Stat. 622, 851, 884, 1063-1066, 1068-1071, 1073-1082, 1084-1102, 1104-1112, 1122, 1127-1137, 1141-1147, 1149, 1150, 1156-1158, 1160-1171 (Title 42, §§ 302, 401-403, 405, 408-411, 413, 415-418, 421-423, 426, 428-431, 433, 502, 503, 602, 603, 606, 607, 609, 610, 614, 615, 620, 631, 636, 639, 641, 643-645, 652-654, 656, 657, 660, 662, 674, 701, 703, 706, 902, 907, 907a, 1101, 1104, 1108, 1202, 1301, 1302, 1306-1308, 1310, 1314-1317, 1320, 1320a-1, 1320a-5, 1320a-6, 1320a-7, 1320a-7a, 1320a-8, 1320b-1, 1320b-6, 1320b-7, 1320c note, 1320c-2, 1331-1336, 1352, 1381a, 1382, 1382a, 1382b, 1382c, 1382d, 1382g, 1382j, 1383, 1395f, 1395h, 1395i, 1395i-2, 1395k, 1395*l*, 1395m, 1395n, 1395p, 1395q, 1395r, 1395s, 1395t, 1395u, 1395v, 1395w, 1395x, 1395y, 1395z, 1395aa, 1395bb, 1395cc, 1395dd, 1395ff, 1395ii, 1395*ll*, 1395mm, 1395nn, 1395*oo*, 1395rr, 1395ww, 1395yy, 1395zz, 1396, 1396a, 1396b, 1396d, 1396k, 1396*l*, 1396n, 1396q, 1397a, 1397e)

Aug. 16, 1984, Pub. L. 98-378, §§ 2-14, 16-21(a)-(d), 98 Stat. 1305-1324 (Title 42, §§ 602, 603, 606, 651-658, 664, 666, 667, 671, 1315, 1396a)

Aug. 22, 1984, Pub. L. 98-396, title I, § 1, 98 Stat. 1392 (Title 42, § 645)

Oct. 9, 1984, Pub. L. 98-460, §§ 2(a)-(c), 3(a), 4(a), (b), 6(a), (b), 7(a), (b), 8(a), (b), 9(a), (b), 10, 11(a), (b), 14, 16(a)-(c), 17(a)(1), 98 Stat. 1794, 1796, 1799, 1800, 1802-1806, 1808-1811 (Title 42, §§ 405, 408, 416, 421-423, 1382c, 1382d, 1382h, 1382h note, 1383, 1383a, 1383b)

Nov. 8, 1984, Pub. L. 98-617, §§ 1(a), 3(b), 4(a), (b), 98 Stat. 3294-3296 (Title 42, §§ 674, 1395, 1395f, 1395*l*, 1395r, 1395u, 1395x, 1395rr, 1395ww, 1396a)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(39), 98 Stat. 3360 (Title 42, § 504)

June 17, 1985, Pub. L. 99-53, § 2(g), 99 Stat. 94 (Title 42, § 1395s)

Dec. 12, 1985, Pub. L. 99-177, title II, § 261(a)(1), (b), 99 Stat. 1093 (Title 42, § 911)

Dec. 23, 1985, Pub. L. 99-198, title XV, § 1535(b)(3), 99 Stat. 1584 (Title 42, § 503)

Dec. 26, 1985, Pub. L. 99-221, § 3(b), 99 Stat. 1735 (Title 42, § 410)

Social Security Amendments of 1967

Pub. L. 98-369, title III, § 2331(b), July 18, 1984, 98 Stat. 1088 (Title 42, § 1395b-1)

Social Security Amendments of 1977

Pub. L. 98-369, title III, § 2349(b)(3), July 18, 1984, 98 Stat. 1097 (Title 42, § 907a)

Pub. L. 98-617, § 2(b), Nov. 8, 1984, 98 Stat. 3294 (Title 42, § 402 note)

Social Security Amendments Act of 1983

Pub. L. 98-21, Apr. 20, 1983, 97 Stat. 65 (Title 12, § 3413; Title 26, §§ 37, 41, 44A, 46, 53, 85, 86, 87, 105, 128, 164, 275, 403, 406, 407, 409, 415, 861, 871, 904, 1401, 1402, 1441, 3101, 3111, 3121, 3302, 3304, 3306, 3510, 6050F, 6103, 6413, 7871; Title 38, § 3023 note; Title 42, §§ 401, 402, 403, 405, 407, 409, 410, 411, 415, 416, 417, 418, 422, 423, 425, 426, 427, 428, 429, 430, 433, 503, 602, 659, 910, 911, 1320a-1, 1320c-1, 1322, 1382, 1382a, 1382f, 1382g, 1395f, 1395i, 1395i-2, 1395n, 1395r, 1395t, 1395v, 1359w, 1359x, 1395y, 1395cc, 1395mm, 1395*oo*, 1395rr, 1395xx; Title 45, § 231n note)

Pub. L. 98-369, title III, § 2315(f), 2317, July 18, 1984, 98 Stat. 1080 (Title 42, § 1395ww note)

Pub. L. 98-617, § 2(a), Nov. 8, 1984, 98 Stat. 3294 (Title 42, § 402 note)

Social Security Disability Benefits Reform Act of 1984

Pub. L. 98-460, Oct. 9, 1984, 98 Stat. 1794 (Title 42, §§ 405, 408, 416, 421-423, 907 note, 1303 note, 1305 note, 1382c, 1382d, 1382h, 1382h note, 1383, 1383a, 1383b)

Sockeye Salmon or Pink Salmon Fishing Act of 1947

Mar. 15, 1985, Pub. L. 99-5, § 13, 99 Stat. 15 (Title 16, §§ 776, 776 note, 776a-776f)

Soil and Water Resources Conservation Act of 1977

Pub. L. 99-198, title XII, § 1252, Dec. 23, 1985, 99 Stat. 1516 (Title 16, §§ 2004-2006, 2009)

Soil Conservation and Domestic Allotment Act
Dec. 23, 1985, Pub. L. 99-198, title XII, § 1253, title XVII, §§ 1711(a), 1712, 99 Stat. 1517, 1635, 1636 (Title 16, §§ 590g, 590h)

Solar Energy and Energy Conservation Bank Act
Pub. L. 98-181, title IV, § 463(a)-(e), (f)(2), Nov. 30, 1983 (Title 12, §§ 3602, 3606, 3609, 3612, 3618, 3620)
Pub. L. 98-479, title I, § 104(d), Oct. 17, 1984, 98 Stat. 2226 (Title 12, §§ 3612, 3618)

Solid Waste Disposal Act
Pub. L. 98-616, § 2(a)-(e), (g)-(i), (k), title I, §§ 101, 102, 103(a), title II, §§ 201(a), 202(a), 203-209, 211-215, 221(a), 222, 223(a), 224, 225, 226(a), 227-234, 241, 242, 243(a), (c), 244, 245(a), (c), 246(a), 247(a), title III, §§ 301, 302(a)(1), (b), (c), title IV, §§ 401, 402, 403(a), (b)(1), (c), (d), 404, 405(a), title V, §§ 501, 502(a)-(g)(1), (h), title VI, § 601(a), title VII, § 702, Nov. 8, 1984, 98 Stat. 3222-3277, 3289 (Title 42, §§ 6901, 6902, 6905, 6912, 6915-6917, 6921-6932, 6935-6939, 6939a, 6941, 6943-6945, 6948, 6949a, 6956, 6962, 6972, 6973, 6976, 6979a, 6979b, 6982, 6984, 6991, 6991a-6991i)

Southern Arizona Water Rights Settlement Act of 1982
Pub. L. 98-530, § 10(a), Oct. 19, 1984, 98 Stat. 2698

Soviet-Eastern European Research and Training Act of 1983
Pub. L. 98-164, title VIII, Nov. 22, 1983, 97 Stat. 1047 (Title 22, §§ 4501-4509)

Special Drawing Rights Act
Pub. L. 98-181, title VIII, § 803, Nov. 30, 1983, 97 Stat. 1270 (Title 22, § 286q)

Spending Reduction Act of 1984
Pub. L. 98-369, div. B, §§ 2001-2907, July 18, 1984, 98 Stat. 1057-1210 (See Tables for classifications)

Staggers Rail Act of 1980
Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8 (Title 49 App., § 1654a)

State Department Basic Authorities Act of 1956
Nov. 22, 1983, Pub. L. 98-164, title I, §§ 121-124, title VI, §§ 603, 604, 97 Stat. 1023, 1025, 1042, 1043 (Title 22, §§ 2651 note, 2671, 2675, 2706, 2707, 4303, 4304a)
Oct. 19, 1984, Pub. L. 98-533, title I, § 102, title III, § 303, 98 Stat. 2708, 2710, 2711 (Title 22, §§ 2651 note, 2669, 2678, 2704, 2708)
Nov. 8, 1984, Pub. L. 98-618, title VI, § 601(c), 98 Stat. 3303 (Title 22, § 4303)
Aug. 16, 1985, Pub. L. 99-93, title I, §§ 114, 118(a), 125(a), (b), 126(a), (b), 127, 128, 141, 99 Stat. 411, 412, 415, 417-419, 423 (Title 22, §§ 2651 notes, 2669, 2704, 2709, 2710, 4301, 4302, 4304, 4305, 4309a, 4314)

State Justice Institute Act of 1984
Pub. L. 98-620, title II, Nov. 8, 1984, 98 Stat. 3336 (Title 28, § 620; Title 42, §§ 10701-10713)

Statue of Liberty-Ellis Island Commemorative Coin Act
Pub. L. 99-61, July 9, 1985, 99 Stat. 113 (Title 31, §§ 5112, 5112 notes, 5116, 5132)

Steamboat Inspection Act
May 27, 1936, ch. 463, §§ 1-9, 49 Stat. 1380 (See Title 28, § 411; Title 33, §§ 152, 157; See Title 46, §§ 2103-2105, 2111, 2112, 3305, 3306, 3315, 3316, 3318, 3503, 6101, 6301, 6303-6307, 7106, 7109, 7113, 7701, 7703, 7705; Title 46 App., §§ 3, 77)
Oct. 17, 1976, Pub. L. 94-535, § 2, 90 Stat. 2496 (See Title 46, § 3503)

Steel Import Stabilization Act
Pub. L. 98-573, title VIII, §§ 801-806, Oct. 30, 1984, 98 Stat. 3043-3046 (Title 19, § 2253 note)

Strategic and Critical Materials Stock Piling Act
Oct. 19, 1984, Pub. L. 98-525, title IX, §§ 901, 903, 98 Stat. 2573 (Title 50, § 98d)

Student Financial Assistance Technical Amendments Act of 1982
Pub. L. 98-79, § 4, Aug. 15, 1983, 97 Stat. 479 (Title 20, §§ 1070a note, 1078 note, 1089 note)
Pub. L. 98-511, title VII, § 707, Oct. 19, 1984, 98 Stat. 2407 (Title 20, §§ 1070a notes, 1078 notes, 1089 note)
Pub. L. 99-159, title VIII, § 801(a), Nov. 22, 1985, 99 Stat. 907 (Title 20, § 1087bb note)

Student Loan Consolidation and Technical Amendments Act of 1983
Pub. L. 98-79, Aug. 15, 1983, 97 Stat. 476 (Title 20, §§ 1001 note, 1070a note, 1077, 1077a, 1078, 1078-2, 1087-1, 1087-1a, 1087-2, 1087cc-1, 1089 note, 1098)

Subchapter S Revision Act of 1982
Pub. L. 98-369, title VII, § 721(i)-(x), July 18, 1984, 98 Stat. 969-971 (Title 26, §§ 48, 267, 318, 465, 1361-1363, 1367, 1368, 1371, 1374, 1375, 1378, 1379, 6362, 6659)

Subversive Activities Control Act of 1950
Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(53), 98 Stat. 3361 (Title 50, § 792a note)

Sumners-Amherst Act
Oct. 14, 1940, ch. 872, 54 Stat. 1134 (See Title 18, § 1761)

Superfund Act
See Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Supplemental Appropriations Act, 1972
Pub. L. 98-367, title I, § 2(b), July 17, 1984, 98 Stat. 474 (Title 2, § 64b)

Supplemental Appropriations Act, 1973
Pub. L. 98-181, title I, § 1204(a), Nov. 30, 1983, 97 Stat. 1290 (Title 2, § 58)
Pub. L. 99-65, § 1(a), July 12, 1985, 99 Stat. 163 (Title 2, § 58)

Supplemental Appropriations Act, 1979
Pub. L. 99-88, title I, § 193, Aug. 15, 1985, 99 Stat. 349 (Title 2, § 69a)

Supplemental Appropriations Act, 1983
Pub. L. 98-63, July 30, 1983, 97 Stat. 301 (Title 2, §§ 31 note, 31-1, 61-1 note, 65c, 65e, 88b-6, 111b, 136a-2, 358 note, 441i; Title 5, § 5901 note; Title 12, § 1709; Title 18, § 1114; Title 25, § 292b; Title 31, §§ 6901, 6903, 6907; Title 33, §§ 569b, 569c, 610; Title 40, § 166 note, 761; Title 49 App., §§ 1324 note, 1603 note)
Pub. L. 98-396, title I, § 1, Aug. 22, 1984, 98 Stat. 1387
Pub. L. 98-473, title I, § 109, Oct. 12, 1984, 98 Stat. 1964
Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 343
Pub. L. 99-190, § 137, Dec. 19, 1985, 99 Stat. 1323 (Title 2, § 31-1)

Supplemental Appropriations Act, 1984
Pub. L. 98-181, Nov. 30, 1983, 97 Stat. 1153 (Title 2, §§ 58, 58a, 61-1, 61e-4, 68-4; Title 12, §§ 635, 635a, 635a-2, 635a-3, 635a-4, 635b, 635e-635g, 635i-1, 635i-2, 635*o*-635t, 1437, 1701 note, 1701g-5b, 1701j-2, 1701j-3, 1701p-1, 1701q, 1701r, 1701s, 1701x, 1701z-1, 1701z-6 note, 1701z-10a, 1703, 1706d, 1707, 1709, 1709-1, 1710, 1713, 1715e, 1715h, 1715k, 1715*l*, 1715n, 1715u, 1715v, 1715w, 1715y, 1715z, 1715z-1, 1715z-1a, 1715z-5 to 1715z-7, 1715z-9, 1715z-10, 1715z-12 to 1715z-18, 1720, 1723e, 1735b, 1735c, 1735f-4, 1735f-8, 1735f-9, 1748h-1, 1748h-2, 1749bb, 1749aaa, 1749bbb, 1749bbb-1, 1749bbb-2, 1749bbb-5, 1749bbb-6, 1749bbb-6a, 1749bbb-7 to 1749bbb-9, 1749bbb-10a to 1749bbb-10d, 1749bbb-11 to 1749bbb-20, 1812, 2602, 2614, 2617, 2707, 2803, 2807, 2809, 3202, 3602, 3606, 3609, 3612, 3618, 3620, 3703, 3804, 3901-3912; Title 15, § 263; Title 16, § 433c note; Title 19, §§ 1671a, 1671b, 1671g; Title 22, §§ 262d, 276c-3, 283z-3, 285x, 285y, 286b, 286b-2, 286c, 286e-1i, 286e-1k, 286e-2, 286q, 286y, 286z, 286aa-286gg, 290g-12; Title 31, § 3903 note; Title 40, § 484b; Title 42, §§ 602 note, 1436a note, 1437a, 1437c, 1437d, 1437f, 1437g, 1437n, 1437*o*, 1437p, 1437q, 1439, 1441 note, 1452b, 1456, 1471, 1472, 1474, 1476, 1479-1487, 1490c, 1490e, 1490f, 1490i-1490*o*, 1500c-2, 2414, 3103, 3542, 3901-3906, 3908, 3909, 3911, 3914, 3936, 4003, 4011, 4012, 4012a, 4013-4020, 4022-4027, 4044, 4051-4056, 4071, 4072, 4081-4084, 4101-4104, 4104e, 4121-4123, 4127, 4511-4524, 4528-4532, 5301-5308, 5312, 5316, 5318, 6872, 8007, 8010, 8107; Title 45, §§ 368, 711, 748; Title 50 App., 2166)
Pub. L. 99-65, § 1(b), July 12, 1985, 99 Stat. 163 (Title 2, § 58a)

Supplemental Appropriations Act, 1985
Pub. L. 99-88, Aug. 15, 1985, 99 Stat. 293 (Title 2, §§ 31a-2, 31a-3, 59, 61-1 note, 61g-7, 68-5, 69a; Title 5, §§ 5532, 8344; Title 7, §§ 612c note, 1927a, 2012a; Title 18, § 3525 note; Title 22, §§ 262k, 262k note, 2873 note; Title 25, § 13d-1; Title 26, § 3304 note; Title 28, § 461 note; Title 33, § 408; Title 42, § 6240; Title 49 App., § 1371a)

Surface Mining Control and Reclamation Act of 1977
Pub. L. 98-473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1875 (Title 30, § 1231)

Surface Transportation Assistance Act of 1982
Pub. L. 97-424, Jan. 6, 1983, 96 Stat. 2097 (Title 15, § 713c-3; Title 16, §§ 460*l*-11, 1606a; Title 23, §§ 101 note, 103, 104 note, 105, 109, 111 note, 112-116, 118-120, 122, 125, 127, 130 note, 137, 139, 140-142, 144, 146 note, 150, 152, 154 note, 157, 201-204, 206-210, 214, 217, 218, 307, 401 note, 402; Title 26, §§ 1 note, 39, 44E, 46, 48, 103, 165 note, 167, 168, 274, 851, 852, 874a, 882, 3304 note, 3454, 4041, 4051-4053, 4061, 4063, 4071, 4081, 4091-4094, 4101, 4102, 4221, 4222, 4481-4483, 6012 note, 6049, 6156, 6201, 6206, 6362, 6412, 6416, 6420, 6421, 6424, 6427, 6429, 6504, 6675, 7210, 7603-7605, 7609, 7610, 9502, 9503; Title 33, § 1414; Title 42, §§ 602, 1382a; See Title 46, §§ 13101, 13102, 13106; Title 46 App., § 1273; Title 49, §§ 10927 note, 11909, 11914; Title 49 App., §§ 1601 note, 1601c, 1602-1604a, 1607a, 1607a-1, 1607c, 1608, 1611, 1612, 1614, 1617, 1618, 2204-2206, 2301-2305, 2311-2315)
Pub. L. 98-17, § 1(a), Apr. 5, 1983, 97 Stat. 59 (Title 49 App., § 2316)
Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8 (Title 49 App., § 1601c)
Pub. L. 98-229, § 10, Mar. 9, 1984, 98 Stat. 55 (Title 23, § 101 note)
Pub. L. 98-363, § 1, July 17, 1984, 98 Stat. 435
Pub. L. 98-369, July 18, 1984, title VI, § 2639(c)(1), 98 Stat. 1145 (Title 42, §§ 602, 1382a)
Pub. L. 98-554, title I, §§ 102-106, title II, §§ 223, 228(a), Oct. 30, 1984, 98 Stat. 2829-2832 (Title 49 App., §§ 2301, 2311, 2312, 2316)
Pub. L. 98-620, title IV, § 402(51), Nov. 8, 1984, 98 Stat. 3361 (Title 49 App., § 2305)

Survivor Benefit Plan Amendments of 1985
Pub. L. 99-145, title VII, Nov. 8, 1985, 99 Stat. 666 (Title 10, §§ 1447, 1447 note, 1448, 1448 note, 1450, 1451, 1451 note, 1452, 1452 note, 1455)

Taiwan Relations Act
Pub. L. 98-164, title X, § 1011(a)(3), Nov. 22, 1983, 97 Stat. 1061 (Title 22, § 3311)

Tandem Truck Safety Act of 1984
Pub. L. 98-554, title I, Oct. 30, 1984, 98 Stat. 2829 (Title 49 App., §§ 2301 note, 2311, 2312, 2316)

Tank Vessel Act
June 23, 1936, ch. 729, 49 Stat. 1889 (See Title 46, §§ 2101, 2106, 2107, 2109, 2301, 3301, 3303, 3309, 3313, 3701-3718, 7317, 8502, 8703, 9101, 9102)
Oct. 9, 1940, ch. 777, § 3, 54 Stat. 1028 (See Title 46 App., §§ 3703, 3710, 3711)

Tank Vessel Act—Continued

July 11, 1968, Pub. L. 90-397, § 4, 82 Stat. 341 (See Title 46, § 3302)

July 10, 1972, Pub. L. 92-340, title II, § 201, 86 Stat. 427 (See Title 46, §§ 2101, 2106, 2107, 2109, 2301, 3301, 3303, 3309, 3313, 3701-3718, 7317, 8502, 8703, 9101, 9102)

Nov. 16, 1973, Pub. L. 93-153, title IV, § 401, 87 Stat. 585 (See Title 46, § 3703)

Oct. 1, 1974, Pub. L. 93-430, § 6(3), 88 Stat. 1183 (See Title 46, §§ 2101, 2109, 3702)

Oct. 17, 1978, Pub. L. 95-474, § 5, 92 Stat. 1480 (See Title 46, §§ 2101, 2106, 2107, 2109, 2301, 3301, 3303, 3309, 3313, 3701-3718, 7317, 8502, 8703, 9101, 9102)

Oct. 21, 1980, Pub. L. 96-478, § 13(a)(2), 94 Stat. 2303 (See Title 46, §§ 2101, 3702)

Oct. 15, 1982, Pub. L. 97-322, title I, §§ 110, 111, 96 Stat. 1585 (See Title 46, § 9101)

Dec. 21, 1982, Pub. L. 97-375, title I, § 111(c), 96 Stat. 1821

Tariff Act of 1930

Nov. 30, 1983, Pub. L. 98-181, title VI, § 650, 97 Stat. 1266 (Title 19, §§ 1671a, 1671b, 1671g)

Oct. 12, 1984, Pub. L. 98-473, title II, §§ 311, 319, 320(a), 321, 322, 98 Stat. 2053, 2056 (Title 19, §§ 1589, 1602, 1605-1609, 1611, 1613-1615, 1618, 1619)

Oct. 25, 1984, Pub. L. 98-547, title III, § 302, 98 Stat. 2771 (Title 19, § 1627)

Oct. 30, 1984, Pub. L. 98-573, title I, §§ 124, 127(b), 211, 212(b)(7), 213, 221, title V, § 504, title VI, § 613(b), (c), title VII, § 701, 98 Stat. 2959, 2977, 2984, 2989, 3020, 3035, 3036, 3043 (Title 19, §§ 1322, 1330, 1339, 1555, 1564, 1602, 1605, 1606, 1671, 1671b)

Nov. 8, 1984, Pub. L. 98-620, title IV, § 413, 98 Stat. 3362 (Title 19, § 1337)

Tax Equity and Fiscal Responsibility Act of 1982

Pub. L. 98-67, title I, § 102(a), Aug. 5, 1983, 97 Stat. 369 (Title 26, §§ 31, 274, 275, 643, 661, 3403, 3451-3456, 3502, 3507, 6013, 6015, 6042, 6044, 6049, 6051, 6365, 6401, 6413, 6654, 6682, 7205, 7215, 7654, 7701)

Pub. L. 98-216, § 6(b), Feb. 14, 1984, 98 Stat. 8 (Title 26, § 103 note)

Pub. L. 98-369, title I, §§ 12(a), 32(b), 160, title II, § 221(b)(1), title IV, § 474(r)(7), title V, §§ 521(a), (b), 525(b)(3), 554, title VII, §§ 712(d), (e), (h), (m), 713(a)(2), (4), (b)(2), (f)(2), (g), (h), 714(b), (m), (n)(1), title X, § 1067(a), 98 Stat. 503, 531, 696, 772, 840, 866, 867, 874, 897, 947, 955-957, 959-961, 963, 1048 (Title 26, §§ 72 note, 101 note, 103 note, 168, 333 note, 401, 408, 415 note, 451 note, 907 note, 2039 note, 6601, 6621 note, 7275 note, 7430 note)

Pub. L. 98-601, § 1, Oct. 30, 1984, 98 Stat. 3147 (Title 26, §§ 3301 note, 3302 note)

Pub. L. 99-107, § 2, Sept. 30, 1985, 99 Stat. 479 (Title 26, § 5701 note)

Pub. L. 99-155, § 2(a), Nov. 14, 1985, 99 Stat. 814 (Title 26, § 5701 note)

Pub. L. 99-181, § 1, Dec. 13, 1985, 99 Stat. 1172 (Title 26, § 5701 note)

Pub. L. 99-189, § 1, Dec. 18, 1985, 99 Stat. 1184 (Title 26, § 5701 note)

Pub. L. 99-201, § 1, Dec. 23, 1985, 99 Stat. 1665 (Title 26, § 5701 note)

Tax Reform Act of 1969

Pub. L. 98-369, title III, § 314(b), July 18, 1984, 98 Stat. 787 (Title 26, § 4940 note)

Tax Reform Act of 1976

Pub. L. 98-213, § 5(e), Dec. 8, 1983, 97 Stat. 1460 (Title 26, § 7652)

Pub. L. 98-369, title I, § 62, title IV, §§ 441(b), (c), 474(r)(12)(A), (B), title X, § 1062(a), (b), July 18, 1984, 98 Stat. 583, 815, 841, 842, 1047 (Title 26, §§ 56 note, 190, 382, 383, 999 note)

Tax Reform Act of 1984

Pub. L. 98-369, div. A, §§ 5-1082, July 18, 1984, 98 Stat. 494-1057 (Title 26, § 1 et seq.)

Pub. L. 98-612, § 2, Oct. 31, 1984, 98 Stat. 3182 (Title 26, § 1271 note)

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Technical Amendments to the Federal Courts Improvement Act of 1984

Pub. L. 98-620, title IV, §§ 412-416, Nov. 8, 1984, 98 Stat. 3362 (Title 15, § 1071; Title 19, § 1337; Title 28, §§ 1 note, 713 note, 798, 1292; Title 35, §§ 142-144)

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Technology Assessment Act of 1972

Pub. L. 99-234, title I, § 107(a), Jan. 2, 1986, 99 Stat. 1759 (Title 2, § 476)

Temporary Emergency Food Assistance Act of 1983

Pub. L. 98-8, title II, Mar. 24, 1983, 97 Stat. 35 (Title 7, § 612c note)

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Pub. L. 99-198, title XV, §§ 1562(e)(1), 1564-1566, 1567(b), (c), 1568-1570, Dec. 23, 1985, 99 Stat. 1591-1594 (Title 7, § 612c note)

Tennessee Valley Authority Act of 1933

Dec. 1, 1983, Pub. L. 98-191, § 9(d), 97 Stat. 1332 (Title 16, § 831h)

Tennessee Wilderness Act of 1984

Pub. L. 98-578, Oct. 30, 1984, 98 Stat. 3088 (Title 16, § 1132 note)

Texas Wilderness Act of 1984

Pub. L. 98-574, Oct. 30, 1984, 98 Stat. 3051 (Title 16, § 1132 note)

Textile Fiber Products Identification Act

Pub. L. 98-417, title III, §§ 301-303, Sept. 24, 1984, 98 Stat. 1603, 1604 (Title 15, § 70b)

The President

Oct. 19, 1984, Pub. L. 98-497, title I, § 107(e)(1), (2), 98 Stat. 2291 (Title 3, §§ 6, 11, 12, 13)

Aug. 16, 1985, Pub. L. 99-93, title I, § 126(c), 99 Stat. 418 (Title 3, § 208)

Thrift Institutions Restructuring Act
Pub. L. 98-181, title IV, § 473, Nov. 30, 1983, 97 Stat. 1237 (Title 12, § 1701j-3)

Tobacco Adjustment Act of 1983
Pub. L. 98-180, title II, §§ 201-213, Nov. 29, 1983, 97 Stat. 1143-1149 (Title 7, §§ 511r, 1314b, 1314b-1, 1314b-2, 1314c-1314e, 1379, 1421 note, 1445, 1445-1, 1445-2)

Tonnage Measurement Simplification Act
Pub. L. 96-594, title II, Dec. 24, 1980, 94 Stat. 3461 (Title 46 App., §§ 71, 71 note)

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Pub. L. 98-80, § 2(c)(2)(A), Aug. 23, 1983, 97 Stat. 485 (Title 15, § 2625)
Pub. L. 98-620, title IV, § 402(19), Nov. 8, 1984, 98 Stat. 3358 (Title 15, § 2622)

Toy Safety Act of 1984
Pub. L. 98-491, Oct. 17, 1984, 98 Stat. 2269 (Title 15, §§ 1261 note, 1274)

Trade Act of 1974
Pub. L. 98-120, §§ 2-4, Oct. 12, 1983, 97 Stat. 809 (Title 19, §§ 2272, 2317, 2345)
Pub. L. 98-369, title VI, §§ 2671-2673, 98 Stat. 1172 (Title 19, §§ 2293, 2297, 2298, 2355)
Pub. L. 98-573, title II, §§ 248, 249, title V, §§ 502-505, 507, title VII, § 703, Oct. 30, 1984, 98 Stat. 2988, 3018-3020, 3023, 3043 (Title 19, §§ 1330, 2171, 2192, 2251, 2253, 2461, 2462, 2464-2466)
Pub. L. 99-47, § 8(b), June 11, 1985, 99 Stat. 84 (Title 19, §§ 2112, 2462-2464)
Pub. L. 99-107, § 3, Sept. 30, 1985, 99 Stat. 479 (Title 19, note prec. § 2271)
Pub. L. 99-155, § 2(b), Nov. 14, 1985, 99 Stat. 814 (Title 19, note prec. § 2271)
Pub. L. 99-181, § 2, Dec. 13, 1985, 99 Stat. 1172 (Title 19, note prec. § 2271)
Pub. L. 99-189, § 2, Dec. 18, 1985, 99 Stat. 1184 (Title 19, note prec. § 2271)

Trade Agreements Act of 1979
Pub. L. 98-67, title II, § 214(d), Aug. 5, 1983, 97 Stat. 392 (Title 19, § 2582)
Pub. L. 98-573, title VI, § 611(c), Oct. 30, 1984, 98 Stat. 3033 (Title 19, § 1671 note)
Pub. L. 99-47, § 7, June 11, 1985, 99 Stat. 84 (Title 19, § 2518)

Trade and Development Enhancement Act of 1983
Pub. L. 98-181, title VI, §§ 641-647, Nov. 30, 1983, 97 Stat. 1263-1265 (Title 12, §§ 635*o* note to 635t)

Trade and Tariff Act of 1984
Pub. L. 98-573, Oct. 30, 1984, 98 Stat. 2948 (Title 18, § 925; Title 19, §§ 2 note, 58b, 81c, 81*o*, 1304, 1313, 1322, 1330, 1339, 1431, 1441, 1466, 1484a, 1498, 1504, 1505, 1514, 1516a, 1520, 1555, 1564, 1581, 1582, 1589a, 1602, 1605-1613, 1613b, 1614, 1615, 1616a, 1618, 1619, 1627a, 1641, 1654 note, 1671, 1671b-1671e, 1671h, 1673, 1673a, 1673c, 1673d, 1673h, 1673i, 1675, 1676, 1676a, 1677-1677h, 2075, 2101 note, 2102 note, 2112, 2114, 2114a-2114e, 2138, 2155, 2192, 2241, 2251, 2253, 2411-2415, 2461-2466, 2703, 2801 note, 2802-2806; Title 22, §§ 3101 note, 3103, 3104; Title 26, §§ 162, 7607; Title 28, §§ 2631, 2636, 2640, 2643, 2647)
Pub. L. 99-47, § 8(a), June 11, 1985, 99 Stat. 84 (Title 19, § 2112 note)
Pub. L. 99-190, § 142, Dec. 19, 1985, 99 Stat. 1324 (Title 19, § 58b)

Trade Expansion Act of 1962
Pub. L. 99-64, title I, § 121, July 12, 1985, 99 Stat. 155 (Title 19, § 1864)

Trademark Act of 1946
Oct. 12, 1984, Pub. L. 98-473, title II, § 1503, 98 Stat. 2179 (Title 15, § 1116)
Nov. 8, 1984, Pub. L. 98-620, title I, §§ 102, 103, 98 Stat. 3335 (Title 15, §§ 1064, 1127)

Trademark Clarification Act of 1984
Pub. L. 98-620, Nov. 8, 1984, 98 Stat. 3335 (Title 2, §§ 437g, 437h, 687; Title 5, § 552; Title 7, §§ 8, 136d, 136h, 136n, 136w, 194, 1366, 1600, 1601; Title 10, § 2304 note; Title 12, § 1464; Title 15, §§ 18a, 21, 28, 45, 57a-1, 78k-1, 687a, 687c, 719h, 1051 note, 1064, 1071, 1127, 1415, 2003, 2622; Title 16, §§ 1463a, 1910, 3117, 3168; Title 17, §§ 901-914; Title 18, §§ 1964, 1966; Title 19, § 1337; Title 21, §§ 346a, 348; Title 22, § 618; Title 25, § 640d-3; Title 26, §§ 6110, 6363, 7609, 9010, 9011; Title 28, §§ 1 note, 85, 90, 93, 112, 124, 126, 596, 620, 636, 713 note, 798, 1292, 1296, 1364, 1657, 2284, 2349, 2647; Title 29, §§ 110, 160, 660, 1303; Title 30, § 816; Title 35, §§ 142-144, 201-203, 206-208, 210, 212; Title 38, § 2022; Title 39, § 3628; Title 42, §§ 300j-9, 504, 3614, 6508, 8514, 10701-10713; Title 43, §§ 1062, 1349, 1652, 2011; Title 45, §§ 355, 745, 1018, 1205; Title 47, § 402; Title 49 App., § 2305; Title 50, § 792a note; Title 50 App., §§ 462, 1984)

Trademark Counterfeiting Act of 1984
Pub. L. 98-473, title II, §§ 1501-1503, Oct. 12, 1984, 98 Stat. 2178 (Title 15, §§ 1116-1118; Title 18, §§ 2311 note, 2320)

Trading With the Enemy Act
Aug. 16, 1985, Pub. L. 99-93, title VIII, § 803, 99 Stat. 449 (Title 50 App., § 39)

Trans-Alaska Pipeline Authorization Act
Pub. L. 98-620, title IV, § 402(46), Nov. 8, 1984, 98 Stat. 3360 (Title 43, § 1652)

Transportation
Pub. L. 98-89, § 3(b), Aug. 26, 1983, 97 Stat. 599 (Title 49, § 10542)
Pub. L. 98-216, § 2, Feb. 14, 1984, 98 Stat. 4 (Title 49, §§ 103, 106, 302, 306, 308, 321, 329, 334, 501, 10362, 10526, 10542, 10544, 10703, 10706, 10749, 10903, 10904, 11125, 11344, 11347, 11361, 11367, 11909, 11914)
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Pub. L. 98-473, title II, § 233, Oct. 12, 1984, 98 Stat. 2031 (Title 49, § 11507)
Pub. L. 98-554, title II, §§ 206(h), 213(a)-(c), 225(a), (b), 226(a)-(c), 227(a)(1)-(3), (b), (c), Oct. 30, 1984, 98 Stat. 2835, 2841-2844, 2847-2852 (Title 49, §§ 507, 521, 526, 3102, 10322, 10526, 10530, 10734, 10735, 10922,

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Pub. L. 98-557, § 26, Oct. 30, 1984, 98 Stat. 2873 (Title 49, § 102)

Transportation Safety Act of 1974
Pub. L. 93-633, Jan. 3, 1975, 88 Stat. 2156 (Title 45, §§ 39, 437, 438, 440, 441; See Title 46, §§ 2106, 3306(a)(5); See Title 49, §§ 103, 104, 106; Title 49 App., §§ 1471, 1472, 1653, 1655, 1801-1812, 1901-1907)
Pub. L. 98-89, §§ 1, 4(b), Aug. 26, 1983, 97 Stat. 500, 599 (See Title 46, §§ 2106, 3306(a)(5))

Tribally Controlled Community College Assistance Act of 1978
Pub. L. 98-192, §§ 1-13, Dec. 1, 1983, 97 Stat. 1335-1343 (Title 25, §§ 1801, 1801a, 1802, 1803, 1804a, 1805-1815, 1831-1836)

Truth in Lending Act
Pub. L. 98-479, title II, § 205, Oct. 17, 1984, 98 Stat. 2234 (Title 15, § 1635)

Uniform Code of Military Justice
Dec. 6, 1983, Pub. L. 98-209, §§ 2-7(e)(1), 8, 9(a), 10(c), 13, 97 Stat. 1393-1395, 1397-1408 (Title 10, §§ 801, 802, 806, 815, 816, 825-827, 829, 834, 838, 842, 849, 854, 857, 860-867, 869-871, 876a, 912a)

Uniformed Services Former Spouses' Protection Act
Pub. L. 98-94, title IX, § 941(c)(4), 97 Stat. 654 (Title 10, § 1408 note)
Pub. L. 98-525, title VI, § 645(b), Oct. 19, 1984, 98 Stat. 2549 (Title 10, § 1408 note)

Uniformed Services Pay Act of 1981
Pub. L. 98-557, § 35(a), Oct. 30, 1984, 98 Stat. 2877 (Title 37, § 1009 note)

United Nations Participation Act of 1945
Nov. 22, 1983, Pub. L. 98-164, title II, § 215, 97 Stat. 1035 (Title 22, § 287e-1)

United States Commission on Civil Rights Act of 1983
Pub. L. 98-183, Nov. 30, 1983, 97 Stat. 1301 (Title 42, §§ 1975-1975f)

United States Grain Standards Act
Oct. 11, 1984, Pub. L. 98-469, § 2, 98 Stat. 1831 (Title 7, §§ 79, 79c, 87h)
Dec. 23, 1985, Pub. L. 99-198, title XVI, § 1671, 99 Stat. 1632 (Title 7, § 76)

United States Housing Act of 1937
Nov. 30, 1983, Pub. L. 98-181, title II, §§ 201(b), (c), 202, 203(a), (b)(1), (2), 204, 205, 206(a)-(c), 207, 208, 209(a), 210-215, title III, § 301, 97 Stat. 1176-1179, 1181-1185, 1196 (Title 42, §§ 1437a, 1437c, 1437d, 1437f, 1437g, 1437*l*, 1437n, 1437*o*, 1437p, 1437q)
Oct. 17, 1984, Pub. L. 98-479, title I, §§ 102(b), 103, title II, §§ 203(b)(1), (2), 204(b)(1), (2), 98 Stat. 2221-2224, 2229, 2233 (Title 42, §§ 1437a, 1437b, 1437d, 1437f, 1437h, 1437*l*, 1437*o*)
Nov. 25, 1985, Pub. L. 99-160, title I, § 101, 99 Stat. 910 (Title 42, § 1437d)

United States-India Fund for Cultural, Educational, and Scientific Cooperation Act
Pub. L. 98-164, title IX, Nov. 22, 1983, 97 Stat. 1051 (Title 22, §§ 290j, 290j-1)
Pub. L. 99-93, title VIII, § 808, Aug. 16, 1985, 99 Stat. 452 (Title 22, § 290j-1)

United States Information Agency Authorization Act, Fiscal Years 1984 and 1985
Pub. L. 98-164, title II, Nov. 22, 1983, 97 Stat. 1030 (Title 22, §§ 287e-1, 1471, 1477c, 2460)

United States Information and Educational Exchange Act of 1948
Nov. 22, 1983, Pub. L. 98-164, title II, §§ 214, 217, 97 Stat. 1035, 1036 (Title 22, §§ 1471, 1477c)
Aug. 16, 1985, Pub. L. 99-93, title II, § 214(a), 99 Stat. 434 (Title 22, § 1477c)

United States Institute of Peace Act
Pub. L. 98-525, title XVII, §§ 1701-1712, Oct. 19, 1984, 98 Stat. 2649 (Title 22, §§ 4601-4611)

United States-Israel Free Trade Area Implementation Act of 1985
Pub. L. 99-47, June 11, 1985, 99 Stat. 82 (Title 19, §§ 2112, 2112 notes, 2462-2464, 2518)

United States Synthetic Fuels Corporation Act of 1980
Pub. L. 98-473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1860 (Title 42, §§ 8713, 8768)

Urban Growth and New Community Development Act of 1970
Pub. L. 97-35, title III, § 339F, Aug. 13, 1981, 95 Stat. 418 (Title 42, § 4518)
Pub. L. 98-479, title II, § 204(i), Oct. 17, 1984, 98 Stat. 2233 (Title 42, § 4502)

Urban Mass Transportation Act of 1964
Pub. L. 98-396, title I, § 1, Aug. 22, 1984, 98 Stat. 1400 (Title 49 App., § 1604)
Pub. L. 99-190, § 101(e) [title III, §§ 317, 326], Dec. 19, 1985, 99 Stat. 1267, 1286, 1289 (Title 49 App., §§ 1604, 1614)

Utah Wilderness Act of 1984
Pub. L. 98-428, Sept. 28, 1984, 98 Stat. 1657 (Title 16, § 1132 note)

Vermont Wilderness Act of 1984
Pub. L. 98-322, June 19, 1984, 98 Stat. 253 (Title 16, §§ 460nn to 460nn-3, 1132 note)

Vessel Documentation Act
Pub. L. 96-594, title I, Dec. 24, 1980, 94 Stat. 3453 (See Title 46, §§ 2101, 2104, 2105, 2107, 3305, 3306, 3316, 3318, 3503, 8302, 12101-12122; Title 46 App., §§ 251, 262, 319, 325)
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Veterans' Benefits
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Pub. L. 98-620, title IV, § 402(36), Nov. 8, 1984, 98 Stat. 3360 (Title 38, § 2022)
Pub. L. 99-108, §§ 1-3, Sept. 30, 1985, 99 Stat. 481 (Title 38, §§ 230, 601, 620A)
Pub. L. 99-145, title VI, § 674, Nov. 8, 1985, 99 Stat. 665 (Title 38, §§ 1411, 1412)
Pub. L. 99-166, title I, §§ 101, 102(a), (b)(1), 103-108(c), title II, §§ 201-204(a), 205, title III, §§ 301-303, title IV, §§ 401(a), (b), 402, 403, Dec. 3, 1985, 99 Stat. 942-947, 949-957 (Title 38, §§ 210, 230, prec. 601, 601, 610, 612, 612A, 612B, 620, 620A, 767, 777, 3305, prec. 4101, 4101, 4114, 4151, 4152, prec. 5001, 5004, 5007, 5035)
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Veterans' Benefits Improvement Act of 1984
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Veterans' Compensation, Education, and Employment Amendments of 1982
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Veterans' Compensation Rate Increase and Job Training Amendments of 1985
Pub. L. 99-238, Jan. 13, 1986, 99 Stat. 1765 (Title 29, §§ 1516 note, 1721 notes; Title 38, §§ 101 note, 314, 314 notes, 315, 362, 411, 413, 414)

Veterans' Dioxin and Radiation Exposure Compensation Standards Act
Pub. L. 98-542, Oct. 24, 1984, 98 Stat. 2725 (Title 38, §§ 219 note, 354)

Veterans' Educational Assistance Act of 1984
Pub. L. 98-525, title VII, §§ 701-709, Oct. 19, 1984, 98 Stat. 2553 (Title 10, §§ 708, 1046, 2006, 2131-2138, 2141 note; Title 38, §§ 101 note, 1401, 1402, 1411-1416, 1421-1423, 1431-1436, 1508, 1621 note, 1673, 1781, 1795)

Veterans' Health Care Act of 1984
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Pub. L. 98-542, § 8(b), Oct. 24, 1984, 98 Stat. 2732 (Title 38, § 219 note)

Veterans Health Programs Extension and Improvement Act of 1979
Pub. L. 98-542, § 8(a), Oct. 24, 1984, 98 Stat. 2731 (Title 38, § 219 note)

Veterans' Job Training Act
Pub. L. 98-77, Aug. 15, 1983, 97 Stat. 443 (Title 29, § 1721 note)
Pub. L. 98-160, title VII, § 704, Nov. 21, 1983, 97 Stat. 1011 (Title 29, § 1721 note)
Pub. L. 98-543, title II, § 212, Oct. 24, 1984, 98 Stat. 2744 (Title 29, § 1721 note)
Pub. L. 99-108, § 4, Sept. 30, 1985, 99 Stat. 481 (Title 29, § 1721 note)
Pub. L. 99-238, title II, § 201(a)(2), (b), (e), Jan. 13, 1986, 99 Stat. 1767 (Title 29, § 1721 note)

Victim and Witness Protection Act of 1982
Pub. L. 98-473, title II, § 1408(b), Oct. 12, 1984, 98 Stat. 2177 (Title 18, § 1512 note)

Victims of Crime Act of 1984
Pub. L. 98-473, title II, §§ 1401-1410, Oct. 12, 1984, 98 Stat. 2170 (Title 18, §§ 1512 note, 3013, 3150a, 3671, 3672, 4207, 4215; Title 42, §§ 10601-10604)

Vietnam Veterans National Medal Act
Pub. L. 98-566, Oct. 30, 1984, 98 Stat. 2923

Virginia Wilderness Act of 1984
Pub. L. 98-586, Oct. 30, 1984, 98 Stat. 3105 (Title 16, § 1132 notes)

Virus-Serum-Toxin Act
Dec. 23, 1985, Pub. L. 99-198, title XVII, § 1768(a)-(e), 99 Stat. 1654, 1655 (Title 21, §§ 151, 154, 154a, 157, 159)

Vocational Education Act of 1963
See Carl. D. Perkins Vocational Education Act

Vocational Education Amendments of 1968
Pub. L. 98-524, § 4(h), Oct. 19, 1984, 98 Stat. 2489 (Title 20, § 11 note)

Volunteers in the Parks Act of 1969
Pub. L. 98-540, Oct. 24, 1984, § 1, 98 Stat. 2718 (Title 16, §§ 18g, 18j)

Voting Accessibility for the Elderly and Handicapped Act
Pub. L. 98-435, Sept. 28, 1984, 98 Stat. 1678 (Title 42, §§ 1973ee, 1973ee-1 to 1973ee-6)

Voting Rights Act of 1965
Pub. L. 97-205, §§ 2-5, June 29, 1982, 96 Stat. 131-135 (Title 42, §§ 1973, 1973b, 1973aa-1a, 1973aa-6)

Voting Rights Act Amendments of 1982
Pub. L. 97-205, June 29, 1982, 96 Stat. 131 (Title 42, §§ 1971 note, 1973, 1973 notes, 1973b, 1973b note, 1973aa-1a, 1973aa-1a note, 1973aa-6, 1973aa-6 note)

Wagner-Peyser Act
Dec. 23, 1985, Pub. L. 99-198, title XV, § 1535(b)(2), 99 Stat. 1584 (Title 29, § 49b)

Walsh-Healey Act
Nov. 8, 1985, Pub. L. 99-145, title XII, § 1241(b), 99 Stat. 734 (Title 41, § 35)

Washington National Airport Act
June 29, 1940, ch. 444, 54 Stat. 686 (Title 49 App., § 2401 et seq.)
May 15, 1947, ch. 62, 61 Stat. 94 (Title 49 App., §§ 2404-2407)
Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(f), 72 Stat. 807 (Title 49 App., §§ 2401, 2404)

Washington State Wilderness Act of 1984
Pub. L. 98-339, July 3, 1984, 98 Stat. 299 (Title 16, §§ 460pp, 1132 note)

Water Research and Development Act of 1978
Pub. L. 98-242, title I, § 110(a), Mar. 22, 1984, 98 Stat. 101 (Title 42, §§ 7801, 7801 note, 7802, 7811-7819, 7831-7835, 7851-7853, 7871-7883, 10301 note)

Water Resources Development Act of 1974
Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 316

Water Resources Development Act of 1976
Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 312

Water Resources Research Act of 1984
Pub. L. 98-242, Mar. 22, 1984, 98 Stat. 97 (Title 42, §§ 7801, 7801 note, 7802, 7811-7819, 7831-7835, 7836 note, 7851-7853, 7871-7883, 10301-10309)

Watermelon Research and Promotion Act
Pub. L. 99-198, title XVI, §§ 1641-1657, Dec. 23, 1985, 99 Stat. 1622-1630 (Title 7, §§ 4901, 4901 note, 4902-4916)

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See Wetlands Loan Act

Wetlands Loan Act
Pub. L. 98-200, §§ 1, 2, Dec. 2, 1983, 97 Stat. 1378 (Title 16, §§ 715k-3, 715k-5)
Pub. L. 98-548, title I, §§ 101, 102, Oct. 26, 1984, 98 Stat. 2774 (Title 16, §§ 715k-3, 715k-5)

White House Conference on Small Business Authorization Act
Pub. L. 98-276, May 8, 1984, 98 Stat. 169 (Title 15, § 631 note)

Wild and Scenic Rivers Act
Pub. L. 98-323, title II, § 201, June 19, 1984, 98 Stat. 261 (Title 16, § 1276)
Pub. L. 98-406, title I, § 104, Aug. 28, 1984, 98 Stat. 1491 (Title 16, § 1274)
Pub. L. 98-425, title II, § 201, Sept. 28, 1984, 98 Stat. 1632 (Title 16, § 1274)
Pub. L. 98-444, §§ 1, 2, Oct. 4, 1984, 98 Stat. 1714 (Title 16, § 1274)
Pub. L. 98-484, § 5, Oct. 17, 1984, 98 Stat. 2259 (Title 16, § 1276)
Pub. L. 98-494, §§ 1, 2, Oct. 19, 1984, 98 Stat. 2274 (Title 16, §§ 1274, 1276)

Wildlife Restoration Act
July 9, 1984, Pub. L. 98-347, § 2a, 98 Stat. 321 (Title 16, § 669g-1)

Wine Equity and Export Expansion Act of 1984
Pub. L. 98-573, title IX, §§ 901-907, Oct. 30, 1984, 98 Stat. 3047-3050 (Title 19, §§ 2801-2806)

Wisconsin Wilderness Act of 1984
Pub. L. 98-321, June 19, 1984, 98 Stat. 250 (Title 16, § 1132 note)

Witness Security Reform Act of 1984
Pub. L. 98-473, title II, § 1207, Oct. 12, 1984, 98 Stat. 2153 (Title 18, § 3521 note)

Women's Educational Equity Act of 1978
Pub. L. 98-511, title IV, §§ 401(b), 402-408, 98 Stat. 2389-2391 (Title 20, §§ 3341-3348)

Women's Educational Equity Amendments of 1984
Pub. L. 98-511, title IV, Oct. 19, 1984, 98 Stat. 2389 (Title 20, §§ 2701 note, 3341-3348)

Wool Products Labeling Act of 1939
Sept. 24, 1984, Pub. L. 98-417, title III, §§ 304-306, 98 Stat. 1604, 1605 (Title 15, §§ 68b, 68c)

Wyoming Wilderness Act of 1984
Pub. L. 98-550, Oct. 30, 1984, 98 Stat. 2807 (Title 16, § 1132 notes)

TABLES

TABLE I—REVISED TITLES

The following tables represent those titles of the United States Code that have been revised and renumbered since adoption of the Code in 1926. These tables show where former sections of the revised titles have been incorporated in this edition of the Code.

Abbreviations

Rep.—Repealed. Where "Rep." appears in the new sections column, the former section was repealed prior to, or at the time of, the enactment of the revised Title, and was not restated in the revised Title.

Elim.—Eliminated. Where "Elim." appears in the new sections column, the former section was not restated in the revised Title and was not repealed.

Title		Page
46.	Shipping	768

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TITLE 46—SHIPPING

[*This title was enacted into law by Pub. L. 98-89, § 1, Aug. 26, 1983, 97 Stat. 500. This table shows where sections of former Title 46 were incorporated in revised Title 46.*]

Title 46 Former Sections	*Title 46 New Sections*
1	Rep.
2	2103
3	46 App.
4	2105
5, 6	Rep.
7	2107
8	2108
9 (less (c))	3316
9(c)	46 App.
11, 12	Rep.
13, 14	46 App.
15-40	Rep.
41, 42	46 App.
43-56	Rep.
57	46 App.
58	Rep.
59	46 App.
60-63	Rep.
65(1)	2101(10)
65(2)	2101(11)
65(3)	2101(34)
65a	12113
65b	12102
65c	12114
65d	12115
65e	12103
65f	12116
65g	12104
65h	12105
65i	12106
65j	12107
65k	12108
65l	12109
65m	12110
65n	12122
65o	12111
65p	12112
65q	12117
65r	12118
65s	12119
65t	12120
65u	2107, 12122(a)
65v(1)	2104
65v(2)	12121
65w	12101
71, 72	46 App.
73, 74	Rep.
75	46 App.
76	Rep.
77	46 App.
78, 79	Rep.
80	(See former 660-1)
81	46 App.
82	3101
83-83k	46 App.
85-85g	Rep.
86-86i	46 App.
88-88i	46 App.
91, 91a	46 App.
92	Rep.
93, 94	46 App.
95	Rep.
96-98	46 App.
99	Rep.
100-102	46 App.
103	Rep.
104	46 App.
105-109	Rep.
110-113	46 App.
121-135	46 App.
141-146	46 App.
151-162	Rep.
163	46 App.
170(14)	2106
170	3306(a)(5), Rep. in part
170a, 170b	Rep.
171-175	Rep.
178, 179	Rep.
181-183	46 App.
183a	Rep.
183b-196	46 App.
201	11301
202	11302
203	11303
211	8501(a)
212	8501(b)
213	8501(c), (e)
214	7101
214(c)	7106
215	8501(d), 8502
216(a)	9301(2)
216(b)	2101(34)
216(c)	9301(3)
216(d)	9301(1)
216(e), (f)	Rep.
216a	9302(a), (b), (d)
216b(a)-(c)	9303
216b(d)	9305
216b(e)	9304
216c	9303
216d	9305
216e(a)-(c)	9308
216e(d)	2107
216e(e)	2106
216f	9302(c)
216g	9306
216h	9307
216i	Rep.
221	8103
222	8101
223	8301
224	7101, 8101
224a	8303, 8304
224a(2)	7111
225	7106, 7109, 7113
226	7101, 7106, 7703
227	Rep.
228	7101, 7106, 7703
229	7101, 7106, 7703
229a	7101, 7103
229b	7101, 7103
229c	7106, 7108, 7318
229d	Rep.
229e	7105
229f	7110
229g	7103, 7318
229h	Rep.
230	7112
231	7105
232	7110
233	7109
234	3315
235	8104
236	8103
237, 238	Rep.
239	6101, 6301, 7703
239(d)	6303
239(e)	6304, 7705
239(f)	6304
239(g)	6305, 7701
239(i)	6306
239(j)	6301, 6307
239(k)	6305
239a(a)	7503(a), 7704(a)
239a(b)	2101(34)
239a(c)	7302
239b(a)	7503(b)
239b(b)	7704(b), (c)
240	7703
241	8304
242	7101, 7102, 8302(a)-(d)
243	7101, 7104, 7107, 7108
244	7101, 7105
245	8302(g), (h)
246(a)	8302(a)-(d)
246(b)	Rep.
246(c)	7703
247	7101
248	8302
249-249c	46 App.
251-251b	46 App.
252-261	Rep.
262	46 App.
263-273	Rep.
274	46 App.
275, 276	Rep.
277	46 App.
278-288	Rep.
289-289b	46 App.
290-293b	46 App.
294-305	Rep.
306-316	46 App.
317, 318	Rep.
319-328	46 App.
329, 330	Rep.
331	2110
332-335	Rep.
336	46 App.
351-355	46 App.
361	2101(16), (37)
362	2109, 3301(9), 3314
362(a)	3303
362(b)	3504
362(c)	3505
363	2109
364	8502

Title 46 Former Sections	*Title 46 New Sections*
365	Rep.
366	3306
367	2101(16), (33), 2303, 3301(7), 3302
369	3305, 3306, 3316
369(b)	3503
369(e)	3318
371	Rep.
372	2103
373-374a	Rep.
375	3306
376-382a-1	Rep.
382b	2104, 2111, 2112
382b-1	3317(b)
382b-1	46 App.
382c-385	Rep.
390	3302, 3304
390(a)	2101(21)(B)
390(b)	2101(35)
390(d)	2101(34)
390(e)	2101(13)
390(f)	2101(27)
390(g)	2101(30)
390(h)	2101(28)
390(i)	2101(29)
390a	3301(4), (5), (8), 3305
390a(a)	3307(2)
390a(b)	3317(a), 7114
390b	3306, 8901, 8902
390c	3303(a), 3309, 3311
390c(b), (c)	3313
390d	2106, 3318(a), 8906
390e-390g	Rep.
391	3301(1), (4), (9), 3304, 3305
391(b)	3307(3)
391(c)	2101(22), 3307(1)
391(e)	3302
391a	3301(10), 3702, 8502
391a(2)(A)	2101(9)
391a(2)(B)	2101(12)
391a(2)(C)	2101(14)
391a(2)(D)	2101(15)
391a(2)(E)	2101(20)
391a(2)(F)	3701(4)
391a(2)(G)	2101(24)
391a(2)(H)	2101(5)
391a(2)(I)	2101(34)
391a(2)(J)	3701(5)
391a(2)(K)	3701(6)
391a(2)(L)	2101(46)
391a(2)(M)	2101(38)
391a(2)(N)	2101(8)
391a(2)(O)	2101(23)
391a(2)(P)	3701(2)
391a(2)(Q)	3701(3)
391a(2)(R)	3701(1)
391a(2)(S)	2101(7)
391a(3)	2101(39), 2301, 3303, 3702(a)
391a(4)	2109
391a(4)(B)	8703(c)
391a(5)	3702
391a(6)	3703
391a(7)	3704-3709
391a(8)	3309, 3313
391a(8)(A)	3710, 3712
391a(8)(B)	3711, 3712
391a(8)(C)	3711
391a(8)(D)	3710
391a(8)(E)	3710, 3711
391a(9)	9102
391a(10)(A)	8703(a)
391a(10)(B)	9101(b)
391a(10)(C)	7317, 8703(b)
391a(10)(D)	Rep. See 7701 et seq.
391a(11)	9101(a)
391a(12)	3703
391a(13)	3713
391a(14)	2107, 3718
391a(14)(C)	2106
391a(15)	3714
391a(16)	3717
391a(17)	3715
391a(18)	3716
391b	Rep.
392	3304-3306
392(b)	3307(3)
393, 394	Rep.
395	3301(6), 3305, 3311
395(d)	3309
395(e)	2101(32)
396, 397	Rep.
398	3318
399	3309, 3311, 3314
400	3312
401	Rep.
402	Rep.
403	3318
404	2101(13), (16), (17), 3301(1), 3302, 3306, 3307
404-1	3301(3), 3305, 3501
404-1(1)	2101(19)
404-1(4)	2101(21)(C)
404-1(6)	3307(2), (3)
404-1(8)	8301
404a	Rep.
405	2101(40), 3301(9), 3305
405(b)	8104
405(b)(1)(A)	2101(34)
405(b)(2)	8904
405(b)(3)	8905(b)
406	3305
407	3305, 3318
408	3305, 3306, 3318
409	Rep.
410	3318
411, 412	3306
413	3318
414	3310, 7502
415	Rep.
416	2104, 3306
417	(See former 416)
418, 419	Rep.
420	3302, 3306
420	46 App.
431-434	Rep.
435	3308, 3313
436	2106, 3318
437-440	Rep.
441	46 App.
441(1)	2101(18)
441(2)	2101(31)
442	3302
443	46 App.
444	8701
444	46 App.
445	2113, 3306
446-446c	46 App.
446d	8101
451	3501
452	3501(b), (c)
453	2113
454-457	T. 33 §§ 1233-1236
458	Rep.
459	3306
460, 460a, 461	3502
462	2106, 3501, 3502
463, 463a, 464	Rep.
465	(See former 170)
466	Rep.
466a	3901
466b	3902
467	Rep.
468, 469	Rep.
470, 471	8102
472	Rep.
473	3306
474-476	Rep.
477-479	3306
480	2301
481	2106, 3306
481(a)	2101(34)
481(c)	2106
481(d)	3318
482, 483	3306
484-488	Rep.
489	3306
490	Rep.
491	46 App.
492	3506
493-496	Rep.
497	2106, 3318, 8502
498	Rep.
511-522	Rep.
526	2101(43)
526a-526d	Rep.
526e	4102(b)
526f	Rep.
526g	4102(a)
526h	4103
526i	4102(c)
526j	4102(d)
526k-526n	Rep.
526*o*	2106, 2107, 4106
526p	2107, 3306, 4104
526q-526t	Rep.
526u	4101
527-527h	Rep.
531-534	46 App.
541-542a	Rep.
543	2104
544, 545	Rep.
546	10102
547-549	Rep.
561, 562	Rep.
563	11110
564	10301, 10302
565	10305
566	10301
567, 568	10321
569	10309
570	10308
571	10321

Title 46 Former Sections	*Title 46 New Sections*
572, 573	Rep.
574	10301, 10501, 10502
575	10508
576	10509
577	10307
578	11107
579	Rep.
591	10313(a)
592	10313(b)
593	10313(b)
594	10313(c)
595	10313(d)
596	10313(e)-(i), 10504
597	2101(12), 10313(e)-(i), 10504
598	10313(e), 10504(a), (d), 10505(d)
599	2101(12), 10314, 10315, 10505, 10506
599(g)	10316
600	10317
601	11108, 11109
602	11111
603-608, 611	Rep.
621	10701, 10702
622	10703
623	10711
624	10704, 10705
625	10706
626	10707
627	10709
628	10708, 10710
641, 642	10310
643	8701, 8702, 10102(c), 10311, 10503
643(a)	7302, 7303, 7318
643(b)	7304
643(c)	7302, 10306
643(e)	10311
643(f)	7319, 7502
643(h)	7501
643(*l*)	7316, 10103
643a	8701
643b	Rep.
644	10312(a), (b), (d)-(f)
645, 646, 651	Rep.
652	10312(c)
653	10901, 10902(a), 10907
654	10901, 10903(a), (b)
655	10901, 10904
656	10901, 10905
657	10905
658	10901, 10906, 10908
659	10903(c)
660	10903(d)
660-1	11101
660a	3305, 3308
660b	3306
661	10321
662	10902(b)
663	Rep.
664	10907
665	10321, 11106(b)-(d)
666	11102(a)
667	11102(b)
668, 669	Rep.
670, 671	11103
672	8701, 8702
672(a)	2101(34)
672(b)	7306
672(b)(1)	7307
672(b)(2)	7308
672(b)(3)	7309, 7310
672(b)(4)	7311
672(c)	7301, 7315
672(d)	8702(d)
672(e)	8702(b), (c)
672(f)	7312
672(g)	7313, 7314
672(h)	8103
672(i)	7302
672(j)	2106, 8702(e)
672-1, 672-2	Rep.
672a	8103
672b, 672b-1, 672c	Rep.
673	8104
674-677	46 App.
678	11104(a)
679	11104(b)-(d)
680, 681	Rep.
682	10318, 10507
683	10318, 10507
684	11105
685	11106(a)
686, 687	Rep.
688	46 App.
689	2103, 2104
690	8103
691	Sec. 2(f) of Pub. L. 98-89
692	Rep.
701	11501
702	11502

Title 46 Former Sections	*Title 46 New Sections*
703	11503
704	T. 18 § 2196
705	11504
706	11505
707	10319
708	T. 18 § 2279
709	Rep.
710	11506
710a	Rep.
710b	(See former 239a)
710c	(See former 239b)
711	Rep.
712	11507
713	10101, 10303, 10304
721-727	46 App.
728	2304
729-731	46 App.
732-735	Rep.
738-738d	46 App.
740-752	46 App.
761, 762	46 App.
763	Rep.
763a-768	46 App.
781-790	46 App.
791-799	Rep.
801-804a	46 App.
805-807	Rep.
808	46 App.
809, 810	Rep.
810a-826	46 App.
827	Rep.
828-840	46 App.
841	Rep.
841a-845b	46 App.
846	Rep.
847, 848	46 App.
861-869	46 App.
870	Rep.
870a-870d	46 App.
871, 872	46 App.
873	Rep.
874-879	46 App.
880	Rep.
881	3305, 3316, 12119
882	3304
883-885	46 App.
886	Rep.
887-889	46 App.
891	46 App.
891a	Rep.
891b, 891c	46 App.
891d-891r	Rep.
891s	46 App.
891t	Rep.
891u-891y	46 App.
911	46 App.
921-927	46 App.
941	46 App.
951-954	46 App.
961	46 App.
971-975	46 App.
981-984	46 App.
1011-1014	46 App.
1101	46 App.
1111-1111a	46 App.
1111b	Rep.
1112-1125a	46 App.
1126	Rep.
1126-1	46 App.
1126a, 1126a-1	Rep.
1126b, 1126b-1	Rep.
1126c, 1126d	Rep.
1127-1128e	Rep.
1128e-1	46 App.
1128f-1128h	Rep.
1131	46 App.
1132	8103
1132(a)	7102
1132(g)	8302
1141-1144	46 App.
1145	Rep.
1151-1161	46 App.
1171-1185	46 App.
1191-1200	46 App.
1211-1214	46 App.
1221	Rep.
1222-1228	46 App.
1241-1248	46 App.
1251-1255	46 App.
1256-1259	Rep.
1260-1262	46 App.
1271-1276	46 App.
1276a-1278	Rep.
1279-1295e	46 App.
1295f(a), (b)	46 App.
1295f(c)	2101(17), 3301(2), 3306, 3307(1)
1295f(d)(1)	46 App.
1295f(d)(2), (3)	3318(g)
1295g(a)-(d)	46 App.
1295g(e)(1)	2101(17)
1295g(e)(2)-(5)	Rep.

Title 46 Former Sections	*Title 46 New Sections*
1300-1315	46 App.
1331-1341	Rep.
1351-1364	Rep.
1381-1388	Rep.
1401-1403	46 App.
1404	Rep.
1405-1413	46 App.
1451	Rep.
1452(1)(A), (B)	2101(25)
1452(1)(C)	2101(42)
1452(2)	2101(45)
1452(3)	2101(41)
1452(5)	2101(21)(D)
1452(7)	2101(26)
1452(8)	2101(1)
1452(9)	2101(34)
1452(10)	2102(2)
1452(11)	2102(1)
1452(12)	2102(4)
1452(13)	2102(5)
1452(14)	2102(3)
1453	4105, 4301
1454, 1455	4302
1456	4302(a)(3)
1457	4303
1458	4305
1459	4306
1460	4304, 4306
1461(a)	4307(a)
1461(b)	4311(f)
1461(c)	4307(b)
1461(d)	2302(a), (b)
1461(e)	8903
1461(f)	8903, 8905(a)
1462	4308
1463	4309
1464	4310
1464(g)	4302
1465	2303
1466	12301
1467	12302
1468	12303
1469	12304
1470	12305
1471	12306
1472	12307
1473	12308
1474	13101
1475	13102
1476	13103
1477	13104
1478	13105
1479	13106
1479a	13107
1480	13108
1481	13109
1482	13110
1483	2302(b), 4311(a), 12309(a)
1484(a)	4311(b)
1484(b)	2106, 2302(a), (c), 4311(c), 12309(b)
1484(c)	2107
1484(d)	4311(d), 12309(c)
1485	2305, 4311(e)
1486	6101, 6102
1487	Rep.
1488	4302
1489	4311(g)
1501-1508	46 App.
1601-1610	46 App.

TABLE II—REVISED STATUTES 1878

Showing where sections of the Revised Statutes of the United States of 1878 will be found in this edition of the United States Code.

Abbreviations

Rep.—Repealed. Where "Rep." appears in the status column following a U.S.C. reference, an explanation of the repeal can be found under such U.S.C. title and section. Where no U.S.C. reference appears, the Rev. St. section was repealed prior to the adoption of the United States Code (1926) or for other reasons was not included in the Code but was subsequently repealed.

Rev. T.—Revised Title. Where "Rev. T." appears in the status column, the U.S.C. reference is to title and section where the Rev. St. section was originally allocated in the U.S.C. To locate the Rev. St. section in the U.S.C. new title, see Table I.

Elim.—Eliminated. Where "Elim." appears in the status column following a U.S.C. reference, the reason for the elimination of the text can be found under such U.S.C. title and section.

I.R.C. '39—Internal Revenue Code of 1939. Where I.R.C. '39 appears in the status column, it is an indication that the provision was repealed or otherwise superseded by the Internal Revenue Code of 1939.

R.S. Sec.	U.S.C.		Status
	Title	Section	
207	46	579	Rev. T.
1841	48	1453	Rep.
1843, 1844	48	1454, 1455	Rep.
1854	48	1460a	Rep.
1855	48	1457	Rep.
1857, 1858	48	1458, 1459	Rep.
1860	48	1460	Rep.
1864	48	1463a	Rep.
1868	48	1463	Rep.
1873	48	1453a	Rep.
1878	48	1465	Rep.
1883, 1884	48	1467, 1468	Rep.
1886	48	1469	Rep.
1888	48	1470	Rep.
1892–1895	48	1482–1485	Rep.
2792	19	289	
	46 App.	110, 112, 124	
2793	19	288	
	46 App.	111, 123	
4131	46	221	Rev. T.
4132	46	11	Rev. T.
4136	46 App.	14	
4137–4139	46	15, 16, 20	Rev. T.
4141, 4142	46	17, 19	Rev. T.
4143–4145	46	21, 22, 25	Rev. T.
4146, 4147	46	23, 24	Rev. T.
4148	46 App.	71	
4149	46 App.	72	
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4290–4292	46	201–203	Rev. T.
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4320	46 App.	262	
4321–4331	46	263–273	Rev. T.
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4383–4385	46	333–335	Rev. T.
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4399–4401	46	361, 362, 364	Rev. T.
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4412, 4413	46	381	Rev. T.
4414–4416	46	382, 384, 385	Rev. T.
4417, 4417a	46	391, 391a	Rev. T.
4418–4420	46	392–394	Rev. T.
4421, 4422	46	399, 401	Rev. T.
4423	46	400	Rev. T.
4424–4426	46	402–404	Rev. T.
4426a	46	404–1	Rev. T.
4427–4434	46	405–412	Rev. T.
4437	46	413	Rev. T.
4438, 4438a	46	224, 224a	Rev. T.
4439	46	226	Rev. T.
4440, 4441	46	228, 229	Rev. T.
4442, 4443	46	214, 230	Rev. T.
4444	46	215	Rev. T.
4445–4448	46	231–234	Rev. T.
4449	46	240	Rev. T.
4450, 4451	46	239, 440	Rev. T.
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4457	46	414	Rev. T.
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4462	46	416	Rev. T.
4463	46	222	Rev. T.
4464–4466	46	451–453	Rev. T.
4467–4471	46	460–464	Rev. T.
4472	46	170	Rev. T.
4473–4488	46	466–481	Rev. T.
4490	46	482	Rev. T.
4491, 4492	46	489, 490	Rev. T.
4493	46 App.	491	
4494–4500	46	492–498	Rev. T.
4501–4503	46	541–543	Rev. T.
4504–4507	46	546–549	Rev. T.
4508	46	545	Rev. T.
4509, 4510	46	561, 562	Rev. T.
4511–4518	46	564–571	Rev. T.
4519	46	577	Rev. T.
4520–4522	46	574–576	Rev. T.
4523	46	578	Rev. T.
4524–4530	46	591–597	Rev. T.
4535	46	600	Rev. T.
4537	46	602	Rev. T.
4538–4545	46	621–628	Rev. T.
4546–4548	46	603–605	Rev. T.
4549–4553	46	641–645	Rev. T.
4554–4572	46	651–669	Rev. T.
4573–4576	46 App.	674–677	
4577, 4578	46	678, 679	Rev. T.
4579–4583	46	681–685	Rev. T.
4586	46	686	Rev. T.
4591	46	687	Rev. T.
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4596, 4597	46	701, 702	Rev. T.
4600	46	703	Rev. T.
4602	46	704	T. 18 § 2196.
4603–4605	46	705–707	Rev. T.
4606	46	708	See T. 18 § 2279.
4607, 4608	46	709, 710	Rev. T.
4610–4612	46	711–713	Rev. T.
4838, 4839	24	161, 165	Rep.
4840–4842	24	162–164	Rep.
4843, 4844	24	191, 201	Rep.
4851, 4852	24	211, 211a	Rep.
4855, 4856	24	211b, 221	Rep.
4857	24	222	Rep.
4858	24	170	Rep.
5294	46	7	Rev. T.

TABLE III—STATUTES AT LARGE

Showing where the Acts of Congress will be found in the United States Code

Abbreviations

Rep.—Repealed. Where "Rep." appears in the status column following a U.S.C. reference, an explanation of the repeal can be found under such U.S.C. title and section.

Rev. T.—Revised Title. Where "Rev. T." appears in the status column, the U.S.C. reference is to title and section where the section of the Act of Congress was originally allocated in the U.S.C. To locate the section of the Act in the U.S.C. revised title, see Table I.

Elim.—Eliminated. Where "Elim." appears in the status column following a U.S.C. reference, the reason for the elimination of the text can be found under such U.S.C. title and section. Where "Elim." appears in the status column and the U.S.C. column is blank, the text had at one time appeared as a note to a prior section of the Code.

I.R.C. '39.—Internal Revenue Code of 1939. Where I.R.C. '39 appears in the status column, it is an indication that the provision was repealed or otherwise superseded by the Internal Revenue Code of 1939.

56th Cong.					U.S.C.		
31 Stat.		Chapter	Section	Page	Title	Section	Status
1901—Mar.	3	860	1	1438	36	3501	
			2	1439	36	3502	
			3	1439	36	3503	
			4		36	3504	

58th Cong.						U.S.C.		
33 Stat.		Pub. L.	Chapter	Section	Page	Title	Section	Status
1904—Apr.	28	222	1790		542	36	3504	
60th Cong.								
35 Stat.								
1909—Mar.	3	316	263		783	25	289	Rep.
62d Cong.								
37 Stat.								
1913—Mar.	4	430	145			21	154a	
						21	159	
67th Cong.								
42 Stat.								
1922—Apr.	6	186	121		490	36	3502	
68th Cong.								
43 Stat.								
1925—Feb.	12	413	225		898	10	1049 nt	
					900	10	520b nt, 956 nt	
69th Cong.								
44 Stat.								
1926—Apr.	15	123	146		259	10	956 nt	
					260	10	1049 nt	
					262	10	520b nt, 956 nt, 1047 nt	

					U.S.C.		
69th Cong. 44 Stat.	Pub. L.	Chapter	Section	Page	Title	Section	Status
1926—May 7	186	250	9		22	300	
			10		22	301	
			11		22	302	
1927—Feb. 23	630	167		1110	10	956 nt	
				1111	10	1049 nt	
				1113	10	520b nt, 956 nt, 1047 nt	
Mar. 4	803	509	42		33	942	
70th Cong. 45 Stat.							
1928—Mar. 23	181	232	1	330	10	956 nt	
			1	331	10	1049 nt	
			1	332	10	520a nt, 956 nt, 1047 nt	
1929—Feb. 28	843	366		1354	10	956 nt, 1049 nt	
				1356	10	520b nt, 956 nt, 1047 nt	
71st Cong. 46 Stat.							
1930—May 28	278	348		436	10	956 nt	
				437	10	1049 nt	
				438	10	520b nt, 956 nt, 1047 nt	
June 17	361	497	339		19	1339	
			484a		19	1484a	
			589		19	1589	
			589		19	1589a	
			590		19	1590	Rep.
			600		19	1600	
			613a		19	1613a	
			613A		19	1613b	
			616		19	1616	
			616		19	1616a	
			627		19	1627	
			627		19	1627a	
			706		19	1671g	
			709		19	1671h	
			761		19	1676	
			762		19	1676a	
			771A		19	1677-1	
			777A		19	1677f-1	
			779		19	1677h	
1931—Feb. 23	718	279		1281	10	956 nt	
				1282	10	956 nt, 1049 nt	
				1282	31	223, 224	Rev. T.
				1283	10	520b nt, 956 nt	
				1284	10	520b nt, 956 nt, 1047 nt	
				1290	31	223, 224	Rev. T.
72d Cong. 47 Stat.							
1932—July 14	286	482	1	668	10	956 nt	
			1	669	10	1049 nt	
			1	669	31	223, 224	Rev. T.
			1	670	10	520b nt, 956 nt	
			1	671	10	520b nt, 956 nt, 1047 nt	
			1	677	31	223, 224	Rev. T.
1933—Mar. 4	441	281		1575	10	956 nt	
				1576	10	1049 nt	
				1576	31	223, 224	Rev. T.
				1577	10	520b nt, 956 nt, 1047 nt	
				1583	31	223, 224	Rev. T.
73d Cong. 48 Stat.							
1934—Apr. 26	176	165		619	10	956 nt	
				620	10	1049 nt	
				620	31	223, 224	Rev. T.
				621	10	520b nt, 956 nt	
				622	10	1047 nt	
				627	31	223, 224	Rev. T.
June 7	297	425		925	36	3503, 3504	
19	416	652	7		47	157	
			601		47	521	
			602		47	522	
			611		47	531	
			612		47	532	
			613		47	533	
			621		47	541	
			622		47	542	
			623		47	543	
			624		47	544	
			625		47	545	

73d Cong.

						U.S.C.		
48 Stat.		Pub. L.	Chapter	Section	Page	Title	Section	Status
1934—June	19	416	652	626		47	546	
				627		47	547	
				631		47	551	
				632		47	552	
				633		47	553	
				634		47	554	
				635		47	555	
				636		47	556	
				637		47	557	
				638		47	558	
				639		47	559	
				701	1101	47	601	
				702(a), (b)	1102	47	602	Elim.
				702(b)	1102	49	1, 2, 5, 10, 15	Rev. T.
				702(c)	1102	47	35	
				702(d)	1102	15	21	
				702(e)		46	484-487	Rev. T.
				703	1102	47	603	
				704	1103	47	604	
				704(a)	1103	46	487	Rep.
				705	1103	47	605	
				706	1104	47	606	
				707	1105	47	607	
				708	1105	47	608	
				709	1105	47	609	
				710		47	610	
				711		47	611	
	26	467	750	311		12	1795j	
				312		12	1795k	
	27	479	847	247		12	1715z-12	
				248		12	1715z-13	
				249		12	1715z-14	
				250		12	1715z-15	
				251		12	1715z-16	
				252		12	1715z-17	
				253		12	1715z-18	
				513		12	1731b	
				513A	1265	12	1732	
74th Cong.								
49 Stat.								
1935—Apr.	9	29	54		127	10	956 nt, 1049 nt	
					127	31	223, 224	Rev. T.
					128	10	520b nt, 956 nt	
					129	10	1047 nt	
					133	31	223, 224	Rev. T.
July	5	199	373	1	457	36	3301	
				2	458	36	3302	
				3	458	36	3303	
				4	458	36	3304	
				5	458	36	3305	
				6	458	36	3306	
				7	459	36	3307	
				8	459	36	3308	
				9	459	36	3309	
				10	459	36	3310	
Aug.	14	271	531	466		42	666	
				467		42	667	
				709		42	910	
				710		42	911	
				1117		42	1317	
				1136		42	1320b-6	
				1137		42	1320b-7	
				1888		42	1395yy	
				1889		42	1395m	
				1918		42	1396q	
	29	399	812	1		45	231	
				2		45	231a	
				3		45	231b	
				4		45	231c	
				5		45	231d	
				6		45	231e	
				7		45	231f	
				8		45	231g	
				9		45	231h	
				10		45	231i	
				11		45	231j	
				12		45	231k	
				13		45	231*l*	
				14		45	231m	
				15		45	231n	
				15A		45	231n-1	
				16		45	231o	
				17		45	231p	
				18		45	231q	
				19		45	231r	

74th Cong. 49 Stat.		Pub. L.	Chapter	Section	Page	U.S.C. Title	U.S.C. Section	Status
1935—Aug.	29	399	812	20		45	231s	
				21		45	231t	
				22		45	231u	
				23		45	231v	
1936—May	15	598	404	1	1284	10	956 nt	
				1	1284	31	223, 224	Rev. T.
				1	1285	10	1049 nt	
				1	1286	10	520b nt, 956 nt, 1047 nt	
				1	1291	31	223, 224	Rev. T.
June	29	835	858	901a		46 App.	1241e	
				901b		46 App.	1241f	
				901c		46 App.	1241g	
				901d		46 App.	1241h	
				901e		46 App.	1241i	
				901f		46 App.	1241j	
				901g		46 App.	1241k	
				901h		46 App.	1241*l*	
				901i		46 App.	1241m	
				901j		46 App.	1241n	
				901k		46 App.	1241*o*	
75th Cong.								
50 Stat.								
1937—July	1	176	423	1	448	10	956 nt, 1049 nt	
				1	450	10	520b nt, 956 nt, 1047 nt	
Aug.	25	358	762	1	798	36	3201	
				2	798	36	3202	
				3	799	36	3203	
				4	799	36	3204	
				5	799	36	3205	
				6	799	36	3206	Elim.
				7	799	36	3207	
				8	799	36	3208	
				9	800	36	3209	
				10	800	36	3201 nt	
Sept.	1	412	896	17		42	1437*o*	
				18		42	1437p	
				19		42	1437q	
75th Cong.								
52 Stat.								
1938—Feb.	16	430	30	314A		7	1314-1	
				316A		7	1314b-1	
				316B		7	1314b-2	
June	11	590	347	1	648	10	952 nt, 1049 nt	
				1	648	31	223, 224	Rev. T.
				1	649	10	520b nt, 956 nt	
				1	650	10	1047 nt	
				1	655	31	223, 224	Rev. T.
	25	722	680	17	1113	45	367	
				17		45	368	
76th Cong.								
53 Stat.								
1939—Apr.	26	44	88	1	598	10	956 nt	
				1	599	10	1049 nt	
				1	600	10	520b nt, 956 nt, 1047 nt	
76th Cong.								
54 Stat.								
1940—June	13	611	343	1	357	10	956 nt, 1049 nt	
				1	357	31	223, 224	Rev. T.
				1	358	10	520b nt, 956 nt	
				1	359	10	520b nt, 956 nt, 1047 nt	
				1	365	31	223, 224	Rev. T.
77th Cong.								
55 Stat.								
1941—June	30	139	262	1	371	10	956 nt	
				1	372	10	1049 nt	
				1	373	10	520b nt, 956 nt, 1047 nt	
Dec.	17	353	591	103	813	10	956 nt	
77th Cong.								
56 Stat.								
1942—July	2	649	477	1	615	10	956 nt, 1048 nt	
				1	615	31	223, 224	Rev. T.
				1	616	10	1049 nt	
				1	617	10	520b nt, 956 nt, 1047 nt	

TABLE III—STATUTES AT LARGE

77th Cong.					U.S.C.		
56 Stat.	Pub. L.	Chapter	Section	Page	Title	Section	Status
1942—July 2	649	477	1	620	31	223, 224	Rev. T.
			1	628	10	1050 nt	
			14	633	10	956 nt	
78th Cong.							
57 Stat.							
1943—July 1	108	185	1	352	10	956 nt, 1048 nt	
			1	353	10	1049 nt	
			1	354	10	520b nt, 956 nt, 1047 nt	
			1	365	10	1050 nt	
			15	369	10	956 nt	
78th Cong.							
58 Stat.							
1944—June 28	373	302	201	556	8	117	Elim.
	374	303	1	578	10	956 nt, 1048 nt	
			1	579	10	1049 nt	
			1	580	10	520b nt, 956 nt, 1047 nt	
			1	591	10	1050 nt	
			15	596	10	956 nt	
July 1	410	373	319		42	247d	
			371		42	273	
			372		42	274	
			373		42	274a	
			374		42	274b	
			375		42	274c	
			376		42	274d	
			401		42	281	
			402		42	282	
			403		42	283	
			405		42	284	
			406		42	284a	
			407		42	284b	
			408		42	284c	
			410		42	285	
			411		42	285a	
			412		42	285a-1	
			413		42	285a-2	
			414		42	285a-3	
			415		42	285a-4	
			416		42	285a-5	
			417		42	285b	
			419		42	285b-1	
			420		42	285b-2	
			421		42	285b-3	
			422		42	285b-4	
			423		42	285b-5	
			424		42	285b-6	
			426		42	285c	
			427		42	285c-1	
			428		42	285c-2	
			429		42	285c-3	
			430		42	285c-4	
			431		42	285c-5	
			432		42	285c-6	
			433		42	285c-7	
			435		42	285d	
			436		42	285d-1	
			437		42	285d-2	
			438		42	285d-3	
			439		42	285d-4	
			440		42	285d-5	
			441		42	285d-6	
			442		42	285d-7	
			443		42	285e	
			444		42	285e-1	
			445		42	285e-2	
			446		42	285f	
			448		42	285g	
			449		42	285g-1	
			450		42	285g-2	
			451		42	285g-3	
			453		42	285h	
			455		42	285i	
			457		42	285j	
			458		42	285j-1	
			459		42	285j-2	
			461		42	285k	
			463		42	285l	
			465		42	286	
			466		42	286a	
			467		42	286a-1	
			469		42	286b	
			470		42	286b-1	
			471		42	286b-2	

78th Cong.					U.S.C.		
58 Stat.	Pub. L.	Chapter	Section	Page	Title	Section	Status
1944—July 1	410	373	472		42	286b-3	
			473		42	286b-4	
			474		42	286b-5	
			475		42	286b-6	
			476		42	286b-7	
			477		42	286b-8	
			479		42	287	
			480		42	287a	
			481		42	287a-1	
			482		42	287b	
			483		42	287c	
			484		42	287c-1	
			485		42	287c-2	
			486		42	287c-3	
			487		42	288	
			488		42	288a	
			489		42	288b	
			491		42	289	
			492		42	289a	
			493		42	289b	
			494		42	289c	
			495		42	289d	
			496		42	289e	
			497		42	289f	
			498		42	289g	
			499		42	289h	
			501		42	290aa	
			502		42	290aa-1	
			503		42	290aa-2	
			504		42	290aa-3	
			505		42	290aa-4	
			506		42	290aa-5	
			510		42	290bb	
			511		42	290bb-1	
			512		42	290bb-1a	
			513		42	290bb-2	
			515		42	290cc	
			516		42	290cc-1	
			517		42	290cc-2	
			520		42	290dd	
			521		42	290dd-1	
			522		42	290dd-2	
			523		42	290dd-3	
			524		42	290ee	
			525		42	290ee-1	
			526		42	290ee-2	
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			745		42	294q-1	
			746		42	294q-2	
			747		42	294q-3	
			842		42	297l	
			858		42	298b-5	
			1910		42	300w-9	
			1910A		42	300w-10	
			1913		42	300x-1a	
			1914		42	300x-2	
			1915		42	300x-3	
			1916		42	300x-4	
			1917		42	300x-5	
			1918		42	300x-6	
			1919		42	300x-7	
			1920		42	300x-8	
			1920A		42	300x-9	
			2101	709	42	300aa	
			2102	710	42	300aa-1	
			2103	710	42	300aa-2	
			2104	710	42	300aa-3	Rep.
			2105	710	42	300aa-4	Rep.
			2106	710	42	300aa-5	
			2107	711	42	300aa-6	
			2108	711	42	300aa-7	
			2109	711	42	300aa-8	
			2110	711	42	300aa-9	
			2111	711	42	300aa-10	
			2112		42	300aa-11	
			2113		42	300aa-12	
			2114		42	300aa-13	
			2115		42	300aa-14	
79th Cong.							
59 Stat.							
1945—July 3	126	265	1	388	10	956 nt	
			1	389	10	956 nt, 1048 nt, 1049 nt	
			1	390	10	530b nt, 956 nt, 1049 nt	
			1	391	10	1047 nt	
			1	401	10	1050 nt	
			15	406	10	956 nt	

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1945—July	31	171	339	40		22	286y	
				41		22	286e-1i	
				42		22	286z	
				43		22	286aa	
				44		22	286bb	
				45		22	286cc	
				46		22	286dd	
				47		22	286ee	
				48		22	286ff	
				49		22	286gg	
				50		22	286b-2	
				51		22	286e-1j	
		173	341	13		12	635i-1	
				14		12	635i-2	
79th Cong.								
60 Stat.								
1946—July	3	487	538	10	425	42	300aa	
	16	515	583	1	546	10	956 nt, 1048 nt, 1049 nt	
				1	547	10	520b nt, 956 nt, 1049 nt	
				1	548	10	520b nt, 956 nt, 1047 nt	
				1	560	10	1050 nt	
				13	565	10	956 nt	
80th Cong.								
61 Stat.								
1947—July	26	253	343	102a		50	403-1	
				502		50	414	
				701		50	431	
				702		50	432	
	30	267	357	1	555	10	956 nt, 1048 nt	
				1	556	10	1049 nt	
				1	557	10	520b nt, 956 nt, 1047 nt	
				1	558	10	1050 nt	
				2	559	10	2639 nt	
				12	572	10	956 nt	
80th Cong.								
62 Stat.								
1948—Jan.	27	402	36	705		22	1477c	
June	3	587	390	24		33	853u	
	24	766	632		650	10	1050 nt	
					653	10	956 nt, 1048 nt	
					654	10	1049 nt	
					655	10	520b nt, 956 nt, 1047 nt	
				2	657	10	2639 nt	
				11	660	10	956 nt	
	25	772	645	1	842, 843	18	3651-3656	Rep.
				1	850	18	4084, 4085	Rep.
				1	853, 854	18	4161-4166	Rep.
				1	854, 855	18	4201-4207	Rep.
				1	856	18	4281, 4283	Rep.
		781	654	6	1018	42	300aa-3	Rep.
				7	1018	42	300aa-8	
81st Cong.								
63 Stat.								
1949—June	20	110	227	15		50	403o	
	30	152	288	303A		41	253a	
				303B		41	253b	
				303C		41	253c	
				303D		41	253d	
				303E		41	253e	
				303F		41	253f	
				303G		41	253g	
July	15	171	338	531		42	1490k	
				532		42	1490l	
				533		42	1490m	
				534		42	1490n	
				535		42	1490o	
Aug.	10	216	412	12(f), (g)	591	50	401 nt	
				12(i)	592	50	401 nt	
Oct.	29	434	787	301	989	10	1050 nt	
				301	990	10	956 nt	
				301	991	10	956 nt, 1048 nt, 1049 nt	
				301	992	10	520b nt, 956 nt, 1049 nt	
				301	993	10	1047 nt	
				401	1006	10	1047 nt	
				501	1014	10	1047 nt, 1050 nt	
				501	1015	10	520b nt, 956 nt, 1048 nt, 1049 nt	
				625	1021	10	2639 nt	

81st Cong.						U.S.C.		
63 Stat.		Pub. L.	Chapter	Section	Page	Title	Section	Status
1949—Oct.	31	439	792	101A		7	1441-1	
				103A		7	1444-1	
				105C		7	1444e	
				106A		7	1445-1	
				106B		7	1445-2	
				107D		7	1445b-3	
				107E		7	1445b-4	
				107F		7	1445b-5	
				108B		7	1445c-2	
				424		7	1433c	
				501		7	1461	
				502		7	1462	
				503		7	1463	
				504		7	1464	
				505		7	1465	
				506		7	1466	
				507		7	1467	
				508		7	1468	
				509		7	1469	
81st Cong.								
64 Stat.								
1950—Aug.	1	630	512	22A		48	1424-1	
				22B		48	1424-2	
				22C		48	1424-3	
				22D		48	1424-4	
Sept.	6	750	896	301	732	10	956 nt, 1048 nt, 1050 nt	
				301	734	10	1049 nt	
				301	735	10	520b nt, 956 nt, 1047 nt	
				401	743	10	1047 nt	
				501	749	10	1047 nt, 1049 nt, 1050 nt	
				501	750	10	520b nt, 956 nt, 1048 nt, 1049 nt	
				614	753	10	956 nt	
				619	755	10	2639 nt	
	8	774	932	309		50	2099	
82d Cong.								
65 Stat.								
1951—May	29	42	117	2	47	2	46h	Rep.
Aug.	31	136	375	101	263	10	777b nt	
Oct.	18	179	512	301	426	10	956 nt, 1048 nt, 1050 nt	
				301	428	10	1049 nt	
				301	429	10	520b nt, 956 nt, 1047 nt	
				401	437	10	1047 nt	
				501	442	10	1050 nt	
				501	443	10	520b nt, 956 nt, 1047 nt, 1048 nt, 1049 nt	
				612	446	10	956 nt	
				616	446	10	2639 nt	
				628	449	10	2484 nt	
82d Cong.								
66 Stat.								
1952—July	10	488	630	301	519	10	956 nt, 1048 nt, 1049 nt	
				301	520	10	520b nt, 956 nt, 1047 nt, 1049 nt, 4333 nt	
				301	521	10	1050 nt	
				401	524	10	1047 nt	
				501	529	10	1047 nt, 1049 nt, 1050 nt	
				501	530	10	520b nt, 956 nt, 1048 nt	
				612	532	10	956 nt	
				627	535	10	2484 nt	
83d Cong.								
67 Stat.								
1953—Aug.	1	179		301	338	10	956 nt, 1048 nt, 1049 nt, 4333 nt	
				301	339	10	956 nt, 1047 nt, 1049 nt, 1050 nt	
				401	342	10	1047 nt	
				501	347	10	1050 nt	
				501	348	10	520b nt, 956 nt, 1047 nt, 1048 nt, 1049 nt	
				610	350	10	956 nt	
				614	351	10	2639 nt	
				624	353	10	2484 nt	

83d Cong.						U.S.C.		
48 Stat.		Pub. L.	Chapter	Section	Page	Title	Section	Status
1954—May	17	361	204	1	98	16	450jj	
				2	99	16	450jj-1	
				3	99	16	450jj-2	
				4		16	450jj-3	
				5		16	450jj-4	
				6		16	450jj-5	
				7		16	450jj-6	
				8		16	450jj-7	
				9		16	450jj-8	
				10		16	450jj-9	
				11	99	16	450jj nt	
June	30	458	432	401	338	10	956 nt	
				401	339	10	956 nt, 1047 nt, 1048 nt, 1049 nt, 4333 nt	
				401	340	10	1050 nt	
				501	342	10	1047 nt	
				601	347	10	956 nt, 1047 nt, 1049 nt	
				601	348	10	956 nt, 1048 nt, 1049 nt	
				706	350	10	956 nt	
				709	351	10	2639 nt	
				717	353	10	2484 nt	
				730	355	10	2007 nt	
				731	356	10	2104 nt	
July	10	480	469	106		7	1706	
				207		7	1726a	
	22	517	556	23A		48	1613a	
84th Cong.								
69 Stat.								
1955—July	13	157	358	301	303	10	956 nt, 1048 nt, 1049 nt, 4333 nt	
				301	304	10	520b nt, 956 nt, 1047 nt, 1050 nt	
				401	306	10	1047 nt	
				501	312	10	520b nt, 956 nt, 1047 nt, 1049 nt, 1050 nt	
				501	313	10	956 nt, 1048 nt	
				606	315	10	956 nt	
				609	315	10	2639 nt	
				617	317	10	2484 nt	
				628	320	10	2007 nt	
				629	320	10	2104 nt	
	14	159	360	325		42	7026-1	
				326		42	7026a	
				327		42	7026	
Aug.	11	350	788	12		22	282j	
84th Cong.								
70 Stat.								
1956—June	19	597	407	304		20	355c-3	
				401		20	361	
				402		20	362	
				403		20	363	
				404		20	364	
				405		20	365	
				406		20	366	
				501		20	371	
				601		20	375	
July	2	639	488	301	456	10	956 nt, 1048 nt, 1049 nt, 4333 nt	
				301	457	10	520b nt, 956 nt, 1047 nt, 1049 nt, 1050 nt	
				401	459	10	1047 nt	
				501	464	10	520b nt, 956 nt, 1047 nt	
				501	465	10	956 nt, 1048 nt, 1049 nt, 1050 nt	
				604	467	10	956 nt	
				607	468	10	2639 nt	
				614	469	10	2484 nt	
				624	471	10	2007 nt	
				625	471	10	2104 nt	
Aug.	1	885	841	34		22	2706	
				35		22	2707	
				36		22	2708	
				37		22	2709	
				38		22	2710	
				39		22	2651 nt	
				204A		22	4304a	
				209A		22	4309a	
				214		22	4314	

85th Cong.					U.S.C.		
71 Stat.		Pub. L.	Section	Page	Title	Section	Status
1957—Aug.	2	85-117	301	313	10	956 nt, 1048 nt, 1049 nt	
			301	314	10	520b nt, 956 nt, 1047 nt, 1049 nt, 1050 nt	
			401	316	10	1047 nt	
			501	321	10	520b nt, 956 nt, 1047-1050 nts	
			604	323	10	956 nt	
			607	323	10	2639 nt	
			614	325	10	2484 nt	
			624	327	10	2007 nt	
			625	327	10	2104 nt	
85th Cong.							
72 Stat.							
1958—July	18	85-536	2[23]		15	650	
	29	85-568	310		42	2459b	
Aug.	22	85-724	301	713	10	956 nt, 1048 nt, 1049 nt	
			301	714	10	520b nt, 956 nt, 1047 nt, 1049 nt, 1050 nt, 4333 nt	
			401	717	10	1047 nt	
			501	721	10	520b nt, 956 nt, 1047 nt, 1049 nt, 1050 nt	
			501	722	10	956 nt, 1048 nt, 1049 nt	
			604	723	10	956 nt	
			606	724	10	2639 nt	
			613	725	10	2484 nt	
			623	727	10	2007 nt	
			624	728	10	2104 nt	
	23	85-726	1118		49 App.	1519	
86th Cong.							
73 Stat.							
1959—Aug.	7	86-147	31		22	283a-3	
	18	86-166	101	366, 367	10	956 nt	
			201	368	10	520b nt, 956 nt, 1047 nt, 1049 nt	
			201	369	10	1047 nt, 1050 nt	
			201	370	10	520b nt, 956 nt, 1047 nt	
			201	371	10	1050 nt	
			604	378	10	956 nt	
			606	378	10	2639 nt	
			607	379	10	956 nt, 1048 nt, 1049 nt	
			613	380	10	2484 nt	
			621	382	10	2007 nt	
			622	382	10	2104 nt	
86th Cong.							
74 Stat.							
1960—June	30	86-565	18		22	284p	
			19		22	284q	
July	7	86-601	101	338, 339	10	956 nt	
			201	340	10	520b nt, 956 nt, 1047 nt, 1049 nt	
			201	341	10	1047 nt, 1050 nt	
			201	342	10	520b nt, 956 nt, 1047 nt	
			201	343	10	1050 nt	
			504	350	10	956 nt	
			506	350	10	2639 nt	
			507	350	10	956 nt, 1048 nt, 1049 nt	
			513	351	10	2484 nt	
			521	353	10	2007 nt	
			522	353	10	2104 nt	
87th Cong.							
75 Stat.							
1961—Aug.	8	87-128	331B		7	1981b	
			331C		7	1981c	
			333A		7	1983a	
			333B		7	1983b	
			349		7	1997	
			350		7	1998	
			351		7	1999	
			352		7	2000	
	17	87-144	101	365, 366	10	956 nt	
			201	367	10	520b nt, 956 nt, 1049 nt, 1050 nt	
			201	368	10	956 nt	
			201	369	10	520b nt, 956 nt, 1050 nt	
			604	375	10	956 nt	
			606	375	10	2639 nt	

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1961—Aug.	17	87-144	607	376	10	956 nt, 1048 nt, 1049 nt	
			607	377	10	2484 nt	
			613	377	10	2484 nt	
			621	379	10	2007 nt	
			622	379	10	2104 nt	
			634	381	10	1047 nt	
Sept.	4	87-195	108		22	2151f	
			119		22	2151q	
			224		22	2184	
			231A		22	2191a	
			234A		22	2194b	
			307		22	2227	
			462		22	2272	
			463		22	2273	
			464		22	2274	
			465		22	2275	
			466		22	2276	
			483		22	2291b	
			495K		22	2292q	
			544		22	2347c	
			545		22	2347d	
			571		22	2349aa	
			572		22	2349aa-1	
			573		22	2349aa-2	
			574		22	2349aa-3	
			575		22	2349aa-4	
			576		22	2349aa-5	
			577		22	2349aa-6	Rep.
	21	87-256	112		22	2460	
	22	87-293	12		22	2511	
			25		22	2521a	
			26	624	22	2522	
			27	625	22	2523	
			28	625	22	2501 nt	
	26	87-297	28		22	2568	
			51		22	2591	
			52		22	2592	
87th Cong.							
76 Stat.							
1962—June	28	87-510	8		22	2606	
Aug.	9	87-577	101	318	10	956 nt	
			504	328	10	956 nt	
			506	328	10	2639 nt	
			507	328	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	
			513	330	10	2484 nt	
			521	332	10	2007 nt	
			522	332	10	2104 nt	
			534	333	10	1047 nt	
Oct.	11	87-794	233		19	1864	
	15	87-817	1	929	36	3401	
			2	930	36	3402	
			3	930	36	3403	
			4	930	36	3404	
			5	930	36	3405	
			6	931	36	3406	
			7	931	36	3407	
			8	932	36	3408	
			9	932	36	3409	
			10	932	36	3410	
			11	932	36	3411	
			12	932	36	3412	
			13	932	36	3413	
			14	933	36	3414	
			15	933	36	3415	
			16	933	36	3416	
			17	933	36	3417	
			18	933	36	3418	
	16	87-834	2(a)	962	26	35	
			2(a)	962	26	38	Rep.
	23	87-856	6		12	1866	
			7		12	1867	
88th Cong.							
77 Stat.							
1963—July	22	88-74	6	91	7	390f	
			7	91	7	390h	
			8	92	7	390i	
			9	92	7	390j	
			10		7	390 nt	
Oct.	17	88-149	504	264	10	956 nt	
			506	264	10	2639 nt	
			507	264	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	

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			521	267	10	2007 nt	
			522	267	10	2104 nt	
			533	269	10	1047 nt	
	31	88-164	1	282	42	6000 nt	
			100		42	6000 nt	
			101		42	6000	
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			105		42	6004	
			106		42	6005	
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			109		42	6008	
			110		42	6009	
			121		42	6021	
			122		42	6022	
			123		42	6023	
			124		42	6024	
			125		42	6025	
			126		42	6026	
			127		42	6027	
			128		42	6028	
			129		42	6029	
			130		42	6030	
			141		42	6041	
			142		42	6042	
			143		42	6043	
			151		42	6061	
			152		42	6062	
			153		42	6063	
			154		42	6064	
			161		42	6081	
			162		42	6082	
			163		42	6083	
Dec.	18	88-210	1		20	2301 nt	
			2		20	2301	
			3		20	2302	
			101		20	2311	
			102		20	2312	
			103		20	2313	
			111		20	2321	
			112		20	2322	
			113		20	2323	
			114		20	2324	
			115		20	2325	
			201		20	2331	
			202		20	2332	
			203		20	2333	
			204		20	2334	
			251		20	2341	
			252		20	2342	
			301		20	2351	
			302		20	2352	
			311		20	2361	
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			321		20	2371	
			322		20	2372	
			323		20	2373	
			331		20	2381	
			332		20	2382	
			333		20	2383	
			341		20	2391	
			342		20	2392	
			343		20	2393	
			401		20	2401	
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			404		20	2404	
			411		20	2411	
			413		20	2413	
			415		20	2415	
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			441		20	2441	
			451		20	2451	
			501		20	2461	
			502		20	2462	
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			506		20	2466	
			521		20	2471	

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88th Cong.							
78 Stat.							
1964—Aug.	19	88-446	504	474	10	956 nt	
			506	475	10	2639 nt	
			507	475	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	
			513	477	10	2484 nt	
			521	478	10	2007 nt	
			522	478	10	2104 nt	
			533	480	10	1047 nt	
	22	88-482	1	594	19	1202 nt	Elim.
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			606	873	10	2639 nt	
			607	874	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	
			613	875	10	2484 nt	
			621	877	10	2007 nt	
			622	877	10	2104 nt	
			633	879	10	1047 nt	
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			613	244	10	2484 nt	
			621	246	10	2007 nt	
			622	246	10	2104 nt	
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			513	1132	10	2484 nt	
			521	1133	10	2007 nt	
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			540	1136	10	979 nt	
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			608	480	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	
			614	482	10	2484 nt	
			622	483	10	2007 nt	
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			814	2032	10	2484 nt	
			822	2034	10	2007 nt	
			823	2034	10	2104 nt	
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			708	1197	10	520b nt, 956 nt, 1048 nt, 1049 nt, 1050 nt	
			714	1198	10	2484 nt	
			722	1200	10	2007 nt	
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			732	1044	10	1047 nt	
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			814	1227	10	2484 nt	
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			722	1295	10	2104 nt	
			730	1296	10	1047 nt	
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			808	900	10	520b nt, 956 nt, 1049 nt, 1050 nt	
			814	902	10	2484 nt	
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		106	39	38	414	
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		5(a)	48	5	4108	
		5(b)(1)	48	5	1304	
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			1467	1565	7	4707	
			1468	1565	7	4708	
			1469	1565	7	4709	
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12	42	47-2508
12	1773	26-601
12	1773 nt	26-604
12	1774	26-602
12	1775	26-603
15	281	1-1116
18 App		24-701
18 App		24-702
18 App		24-703
18 App		24-704
18 App		24-705
20	691	31-1805
20	691a	31-1806
20	691b	31-1807
20	691c	31-1808
20	691d	31-1809
20	691e	31-1810
20	691f	31-1811
20	691g	31-1812
20	691h	31-1803
20	693	31-1821
20	693a	31-1822
20	693b	31-1823
20	695	31-1831
20	695a	31-1832
20	695b	31-1833
20	695c	31-1834
20	1086	1-358
21	130	1-324
22	4301	5-1201
22	4301 nt	5-1201 nt.
22	4302	5-1202
22	4303	5-1203
22	4304	5-1204
22	4304a	5-1204.1
22	4305	5-1205
22	4306	5-1206
22	4307	5-1207
22	4308	5-1208
22	4309	5-1209
22	4309a	5-1209.1
22	4310	5-1210
22	4311	5-1211
22	4312	5-1212
22	4313	5-1201 nt.
22	4314	5-1213
24	168a	32-607
24	169	32-603
24	181	32-609
24	182	32-610
24	183	32-611
24	184	32-612
24	201	32-605
24	202	32-601
24	203	32-602
24	204	32-606
24	211a	32-608
29	49 nt	36-701(a)
31	715	47-118.1
31	1537	1-1131.1
33	567b	7-1301(a)
33	567b-1	7-1302(a)
36	721	1-1801
36	722	1-1802
36	723	1-1803
36	724	1-1804
36	725	1-1805
36	727	1-1806
36	728	1-1807
36	729	1-1808
36	730	1-1809
40	53a	7-1401
40	55	43-1549
40	56	43-1550
40	57	43-1548
40	60	8-106
40	60a	40-710
40	61	7-507
40	62	7-511
40	63	7-502
40	65	7-625
40	66	7-1409
40	67	5-204
40	68	8-128
40	69	4-201
40	70	4-204
40	71	1-2001
40	71a	1-2002
40	71c	1-2003
40	71d	1-2004
40	71f	1-2005
40	71g	1-2006
40	71h	1-2007
40	71i	1-2008
40	72	1-2009
40	72a	8-101
40	72b	8-103
40	72c	9-401
40	72d	9-402
40	72e	9-403
40	73	1-2010
40	74	1-2011
40	74a	9-404
40	74b	9-405
40	74c	9-406
40	75	8-104
40	76	8-105
40	77	4-205
40	78	8-123
40	79	8-129
40	80	8-137
40	81	8-138
40	82	8-139
40	83	8-140
40	84	8-142
40	85	8-146
40	86	8-147
40	87	8-148
40	88	8-149
40	89	8-150
40	90	8-151
40	92	8-152
40	92a	8-153
40	93	8-107
40	94	8-155
40	95	8-156
40	96	8-157
40	97	8-122
40	98	8-124
40	99	8-125
40	100	8-126
40	101	4-116
40	107	9-101
40	108	9-102
40	121	5-410
40	122	8-111
40	123	8-112
40	124	8-158
40	125	8-159
40	126	8-160
40	127	8-161
40	131	8-2101
40	132	1-2102
40	133	1-2103
40	134	1-2104
40	135	1-2105
40	136	9-142
40	193	9-105
40	193a	9-106
40	193b	9-108
40	193c	9-109
40	193d	9-110
40	193e	9-111
40	193f	9-112
40	193g	9-113
40	193h	9-114
40	193i	9-123
40	193j	9-124
40	193k	9-125
40	193*l*	9-126
40	193m	9-128
40	210a	4-127
40	212a	9-115
40	212a nt	9-115 nt.
40	212a-2	9-115.1
40	212b	9-127(a), (b)
40	214	9-107
40	484-1	37-109
40	672	1-2438
40	681	1-2421
40	684	1-2422
41	5	1-1110
42	257	24-613
42	260a	24-614
42	261a	24-615
42	1395v nt	1-360
42	1396a nt	1-359
42	4629	5-834(a)
44	1905 nt	37-110
48	742	45-606
48	1421f-1	45-605
48	1508	45-1301
48	1663	45-605
49 App	2401	7-1101
49 App	2402	7-1102
49 App	2403	7-1103
49 App	2404	7-1104
49 App	2405	7-1105
49 App	2406	7-1106
49 App	2407	7-1107
49 App	2421	7-1201
49 App	2422	7-1202
49 App	2423	7-1203
49 App	2424	7-1204
49 App	2425	7-1205
49 App	2426	7-1206
49 App	2427	7-1207
49 App	2428	7-1208
49 App	2429	7-1209
49 App	2430	7-1210
49 App	2431	7-1211
49 App	2432	7-1212
49 App	2433	7-1213

TABLE V—DISTRICT OF COLUMBIA CODE SECTIONS CLASSIFIED TO UNITED STATES CODE

This Table lists sections of the District of Columbia Code that are classified also to sections of the United States Code.

D.C. Code Section	U.S. Code	
	Title	Section
1-324	21	130
1-358	20	1086
1-359	42	1396a nt.
1-360	42	1395v nt.
1-401	2	25a
1-402	2	25b
1-515	5	3320 nt.
1-624.40 nt.	5	8101 nt.
1-1110	41	5
1-1116	15	301
1-1131.1	31	1537
1-1801	36	721
1-1802	36	722
1-1803	36	723
1-1804	36	724
1-1805	36	725
1-1806	36	727
1-1807	36	728
1-1808	36	729
1-1809	36	730
1-2001	40	71
1-2002	40	71a
1-2003	40	71c
1-2004	40	71d
1-2005	40	71f
1-2006	40	71g
1-2007	40	71h
1-2008	40	71i
1-2009	40	72
1-2010	40	73
1-2011	40	74
1-2101	40	131
1-2102	40	132
1-2103	40	133
1-2104	40	134
1-2105	40	135
1-2421	40	681
1-2422	40	684
1-2438	40	672
4-116	40	101
4-127(a), (b).	40	210a
4-201	40	69
4-204	40	70
4-205	40	77
5-204	40	67
5-410	40	121
5-834(a)	42	4629
5-1201	22	4301
5-1201 nt	22	4313
5-1201 nt	22	4301 nt.
5-1202	22	4302
5-1203	22	4303
5-1204	22	4304
5-1204.1	22	4304a
5-1205	22	4305
5-1206	22	4306
5-1207	22	4307
5-1208	22	4308
5-1209	22	4309
5-1209.1	22	4309a
5-1210	22	4310
5-1211	22	4311
5-1212	22	4312
5-1213	22	4314
6-1104	7	167
6-1105	7	163, 164
7-502	40	63
7-507	40	61
7-511	40	62
7-625	40	65
7-1101	49 App..	2401
7-1102	49 App..	2402
7-1103	49 App..	2403
7-1104	49 App..	2404
7-1105	49 App..	2405
7-1106	49 App..	2406
7-1107	49 App..	2407
7-1201	49 App..	2421
7-1202	49 App..	2422
7-1203	49 App..	2423
7-1204	49 App..	2424
7-1205	49 App..	2425
7-1206	49 App..	2426
7-1207	49 App..	2427
7-1208	49 App..	2428
7-1209	49 App..	2429
7-1210	49 App..	2430
7-1211	49 App..	2431
7-1212	49 App..	2432
7-1213	49 App..	2433
7-1301(a)	33	567b
7-1302(a)	33	567b-1
7-1401	40	53a
7-1409	40	66
8-101	40	72a
8-103	40	72b
8-104	40	75
8-105	40	76
8-106	40	80
8-107	40	93
8-111	40	122
8-112	40	123
8-122	40	97
8-123	40	78
8-124	40	98
8-125	40	99
8-126	40	100
8-128	40	68
8-129	40	79
8-137	40	80
8-138	40	81
8-139	40	82
8-140	40	83
8-142	40	84
8-146	40	85
8-147	40	86
8-148	40	87
8-149	40	88
8-150	40	89
8-151	40	90
8-152	40	92
8-153	40	92a
8-155	40	94
8-156	40	95
8-157	40	96
8-158	40	124
8-159	40	125
8-160	40	126
8-161	40	127
9-101	40	107
9-102	40	108
9-105	40	103
9-106	40	193a
9-107	40	214
9-108	40	193b
9-109	40	193c
9-110	40	193d
9-111	40	193e
9-112	40	193f
9-113	40	193g
9-114	40	193h
9-115	40	212a
9-115 nt	40	212a nt.
9-115.1	40	212a-2
9-123	40	193i
9-124	40	193j
9-125	40	193k
9-126	40	193l
9-127	40	212b
9-128	40	193m
9-142	40	136
9-401	40	72c
9-402	40	72d
9-403	40	72e
9-404	40	74a
9-405	40	74b
9-406	40	74c
22-3111	40	101
22-3118	40	58
24-613	42	257
24-614	42	260a
24-615	42	261a
24-701	18 App..	
24-702	18 App..	
24-703	18 App..	
24-704	18 App..	
24-705	18 App..	
26-601	12	1773
26-602	12	1774
26-603	12	1775
26-604	12	1773 nt.
31-1603	20	691h
31-1605	20	691
31-1606	20	691a
31-1607	20	691b
31-1608	20	691c
31-1609	20	691d
31-1610	20	691e
31-1611	20	691f
31-1612	20	691g
31-1621	20	693
31-1622	20	693a
31-1623	20	693b
31-1631	20	695
31-1632	20	695a
31-1633	20	695b
31-1634	20	695c
32-601	24	202
32-602	24	203
32-603	24	169
32-605	24	201
32-606	24	204
32-607	24	168a
32-608	24	211a
32-609	24	181
32-610	24	182
32-611	24	183
32-612	24	184
36-701(a)	29	49 nt.
37-109	40	484-1
37-110	44	1905 nt.
40-710	40	60a
43-1548	40	57
43-1549	40	55
43-1550	40	56
45-605	48	1421f-1, 1663
45-606	48	742
45-1301	48	1506
47-118.1	31	715
47-2508	12	42
49-102	2	285b nt.

TABLE VI—EXECUTIVE ORDERS

This Table lists the Executive Orders that implement general and permanent law as contained in the United States Code.

Exec. Ord.			U.S.C.		
	Date	No.	Title	Sec.	Status
	1959				
July	15	10828	49 App.	2421 nt	
	1968				
Dec.	11	11440	44	2109 nt	
	1983				
Mar.	7	12409	42	2155 nt	
	28	12410	5	7103 nt	
	29	12411	40	486 nt	
	30	12413	19	2111 nt	
Apr.	8	12416	31	6506 nt	
May	2	12417	50	98 nt	
	5	12418	33	1321 nt	
			42	9615 nt	
			43	1811 nt	
	11	12420	37	301 nt	
	20	12422	5	5317 nt	
	26	12423	22	2381 nt, 2751 nt	
June	16	12425	22	288 nt	
July	6	12430	41	252 nt	Elim.
	8	12431	5	5317 nt	
	14	12432	15	631 nt	
	19	12434	43	975f nt	Elim.
	28	12435	18	1961 nt	
	29	12436	42	402 nt	
Aug.	11	12437	42	8373 nt	Elim.
	23	12438	38	4107 nt	
Sept.	22	12441	19	1202	
	27	12443	50	403 nt	
Oct.	14	12444	50	1701 nt	Elim.
	17	12446	22	4067 nt	
Nov.	4	12448	18	218 nt	
Dec.	9	12450	29	791 nt	
	20	12451	50	1701 nt	
	22	12452	42	204 nt	
	30	12456	5	5332 nt	Elim.
	1984				
Jan.	14	12458	22	2381 nt	
	16	12459	19	1202, 2111 nt	
Feb.	17	12461	5	8331 nt	
	23	12463	42	2155 nt	
	24	12465	42	2465 nt	
	27	12466	3	301 nt	
Mar.	2	12467	22	288 nt	
	22	12468	22	2501 nt	Elim.
	26	12469	19	2441 nt	
	30	12470	50	1701 nt	Elim.
		12471	19	1202, 2111 nts, 2462 nt	
Apr.	3	12472	50 App.	2251 nt	
	17	12474	19	2511 nt	
May	9	12475	7	1854 nt	
	23	12477	5	5332 nt	Elim.
		12478	3	208 nt	
	24	12479	31	501 nt	
June	25	12483	19	1202	
July	13	12485	50	403 nt	
Sept.	14	12487	5	5332 nt	Elim.
	27	12488	37	301 nt	
	28	12489	5 App.	14 nt	Elim.
Oct.	12	12490	42	2451 nt	Elim.
Dec.	5	12493	5	4103 nt	
	6	12494	37	301 nt	
	28	12496	5	5332 nt	
	1985				
Jan.	4	12498	5	601 nt	
	24	12500	22	2381 nt	
	28	12501	15	4101 nt	
	31	12504	17	902 nt	
Feb.	12	12505	5	3301 nt	
Mar.	4	12506	42	2155 nt	
	22	12507	18	1961 nt	
		12508	22	288 nt	
Apr.	17	12510	5	5941 nt	
	29	12512	40	486 nt	
May	1	12513	50	1701 nt	
	14	12514	5	3347 nt	
		12515	19	1202	
	21	12516	5	4103 nt	
	29	12517	22	290j nt	
June	3	12518	22	3101 nt	
	13	12519	19	1202, 2111 nt	
	19	12520	22	3657a nt	
	24	12521	50 App.	2153 nt	
		12522	3	301 nt	
	27	12523	15	631 nt	
July	1	12524	19	1202	
	12	12525	50	1701 nt	
Aug.	7	12527	7	1691 nt	
Sept.	9	12532	50	1701 nt	
	30	12534	5 App.	14 nt	
Oct.	1	12535	50	1701 nt	
	9	12536	22	2901 nt	
	28	12537	50	403 nt	
Nov.	15	12538	19	1862 nt	
Dec.	3	12539	42	300u-5 nt	
	30	12540	5	5332 nt	
			37	1009 nt	
		12541	37	301 nt	
	1986				
Jan.	7	12543	50	1701 nt	
	8	12544	50	1701 nt	
Feb.	6	12547	49 App.	1461 nt	

TABLE VII—PROCLAMATIONS

This Table lists the Proclamations that are set out in the United States Code.

Proc.			U.S.C.		
Date		No.	Title	Sec.	Status
	1960				
Dec.	22	3385	46	9302 nt	
	1968				
June	10	3855	46	9302 nt	
	1983				
Mar.	10	5030	16	1453 nt	
Apr.	15	5050	19	2111 nt	
June	16		33	1602 nt	
Nov.	30	5133	19	1202	
Dec.	22	5141	19	1862 nt	
	29	5142	19	1202	
	1984				
June	7	5207	48	1681 nt	
	1985				
Mar.	14	5308	19	1202	
Aug.	30	5365	19	1202	
Dec.	20	5423	19	1202	
	1986				
Jan.	31	5437	19	1202	

TABLE IX—INTERNAL REFERENCES

This Table lists those sections of the United States Code that are referred to in other sections of the Code together with citations to the referring sections.

TITLE 1—GENERAL PROVISIONS

Section	*Referred to in*
1	Title 10 section 101; title 30 sections 1511, 1531; title 31 section 5312; title 32 section 101; title 37 section 101; title 39 section 5215; title 49 section 10102.
3	Title 10 section 101; title 32 section 101; title 37 section 101; title 46 section 2101; title 46 App. section 1241o.

TITLE 2—THE CONGRESS

Section	*Referred to in*
60j	Sections 60j-1, 60j-2, 60j-4, 61-1 of this title.
61g-6	Section 61g-7 of this title.
74a-4	Section 74a-5 of this title.
88b-5	Section 88b-6 of this title.
88c-1	Section 88c-4 of this title.
88c-2	Sections 88c-1, 88c-4 of this title.
88c-3	Sections 88c-1, 88c-4 of this title.
88c-4	Section 88c-1 of this title.
92a	Section 92b of this title.
111b	Section 605 of this title.
333	Section 333a of this title.
352	Sections 353, 356 of this title.
356	Sections 357, 358 of this title.
358	Section 359 of this title.
451	Title 49 App. section 1553.
622	Sections 632, 642, 652, 904, 907 of this title; title 31 section 1105.
632	Sections 622, 633, 634, 635, 636, 641, 642, 655, 904 of this title; title 31 section 1105.
633	Sections 632, 639, 642, 651, 904 of this title.
635	Sections 622, 633, 636, 641, 642, 655, 904 of this title.
636	Sections 641, 904 of this title.
641	Sections 632, 904 of this title.
642	Section 904 of this title.
651	Sections 622, 633, 639, 654, 901, 902, 906, 907 of this title; title 15 section 4110; title 16 section 543h; title 22 section 3671; title 42 sections 1962d-19, 10309; title 43 section 390g-7; title 45 section 829; title 46 App. section 1720.

TITLE 2—THE CONGRESS—Cont.

Section	*Referred to in*
684	Sections 682, 685, 686, 687, 901 of this title.
802	Sections 801, 807 of this title.
806	Sections 802, 803, 807, 808 of this title.
901	Sections 622, 902, 904, 905, 906, 922 of this title.
902	Sections 622, 901, 903, 904, 906, 907, 922 of this title.
904	Sections 641, 922 of this title.
905	Sections 901, 902, 907 of this title.
906	Sections 901, 902, 905, 907 of this title.
907	Sections 901, 902, 905, 906, 922 of this title.

TITLE 3—THE PRESIDENT

Section	*Referred to in*
105	Title 18 section 1751; title 26 section 3121; title 31 section 3524; title 42 section 410.
106	Section 114 of this title; title 18 section 1751; title 26 section 3121; title 31 section 3524; title 42 section 410.
107	Title 26 section 3121; title 42 section 410.
202	Sections 208, 209 of this title; title 12 section 3414; title 22 sections 2709, 4304, 4314.
208	Section 209 of this title; title 22 section 4314.

TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

Section	*Referred to in*
1	Title 36 section 173.
2	Title 36 section 173.
73	Title 42 section 97.
105	Sections 107, 108, 109, 110 of this title; title 36 section 1219.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

Section	*Referred to in*
101	Title 18 sections 115, 351, 6001; title 28 section 451; title 31

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES—Cont.

Section	*Referred to in*
101—Cont.	sections 1343, 1344; title 36 section 175; title 41 sections 403, 601; title 42 sections 10156, 10222.
102	Title 15 section 638; title 18 section 6001; title 29 sections 203, 633a; title 35 section 201; title 36 section 175; title 41 sections 48b, 403, 601; title 42 sections 2000e-16, 10156, 10222.
103	Title 26 section 6402; title 31 section 3720A.
104	Title 41 sections 403, 601.
105	Section 5948 of this title; title 7 section 2132; title 12 section 1749bbb-10b; title 15 sections 638, 3301; title 16 section 2602; title 22 sections 2685, 3641; title 29 sections 203, 633a; title 35 section 201; title 38 section 2011; title 41 section 48b; title 42 sections 2000e-16, 4071, 4902, 6361, 6964, 7911, 8241, 8802, 10101; title 43 section 2003; title 49 App. section 2603; title 50 section 1601.
504	Title 15 section 634b; title 28 section 2412.
551	Sections 500, 504, 552, 572, 601, 701, 3344 of this title; title 2 sections 501, 502; title 15 sections 78d-1, 78w, 632, 637c, 766, 2053, 3412, 3416; title 16 section 470w; title 26 sections 6103, 9041; title 30 section 956; title 31 sections 3901, 6101, 7501; title 42 sections 2231, 6107, 6241, 6393, 7191; title 46 sections 7702, 9303; title 47 sections 155, 409; title 49 App. section 1557; title 50 App. sections 2168, 2412.
552	Sections 551, 552a, 552b, 1206, 7133 of this title; title 2 sections 472, 501, 502; title 7 sections 608d, 1642; title 10 section 2304; title 15 sections 18a, 57b-2, 78m, 78w, 78x, 78ggg, 633, 719d, 773, 796, 1314, 1335a, 1418, 2029, 2032, 2055, 2217, 2613, 3364, 3705, 4019, 4104, 4107, 4305; title 16 section 1402; title 19 sections 1431, 2415; title 20 sections 2836, 2837; title 21 sections 360d, 360j, 379, 830; title 22 sections 2200a, 3902, 4415, 4604, 4607; title 25 section 1951; title 26 sections 6110, 7611; title 28 section 1657; title 30 section 1604; title 31 sections 716, 5319; title 33 sections 524, 941, 1513; title 35 sections 202, 209; title 39 section 410; title 41 section 253; title 42 sections 242k, 300v-2, 405, 1306, 1320c-9, 2167, 2168, 2996d, 3527, 4332, 5916, 5919,

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES—Cont.

Section	*Referred to in*
552—Cont.	6272-6274, 6346, 7135, 8103, 8717, 9122, 9208, 10704; title 44 sections 2201, 2204, 2206; title 45 section 546; title 46 sections 4309, 7702, 9303; title 46 App. sections 93, 1705; title 49 sections 10310, 10706, 11164, 11346; title 49 App. sections 1357, 1805, 1806, 1905, 2511, 2608; title 50 section 431; title 50 App. sections 463, 2158, 2158a, 2159, 2406, 2411.
552a	Sections 552b, 3111, 7133 of this title; title 7 section 2204b; title 16 sections 410cc-35, 1536; title 20 section 1080; title 26 sections 6103, 7852; title 31 sections 3701, 3711, 3718; title 38 section 3301; title 39 section 410; title 42 sections 402, 405, 1306, 3525; title 44 sections 2906, 3501, 3504; title 46 sections 7702, 9303.
552b	Section 552 of this title; title 12 section 3502; title 19 section 2347; title 20 section 1047f; title 22 section 4605; title 39 section 410; title 42 sections 2996c, 7171, 7234, 8103, 8712, 10703; title 44 section 2204; title 45 sections 1116, 1212; title 46 sections 7702, 9303.
553	Sections 552a, 556, 601, 603, 604, 1103, 1105 of this title; title 2 sections 501, 502; title 7 sections 2013, 2014; title 12 section 1437; title 15 sections 18a, 57a, 78s, 78ggg, 789, 1193, 1203, 1262, 1410b, 1474, 1476, 1604, 1693b, 1912, 2058, 2079, 2082, 2309, 2603, 2604, 2605, 2618, 2703, 2823, 3412, 3803, 4017, 4244; title 16 sections 839b, 971d, 1379, 1381, 1463, 1533, 1535, 1604, 1821, 3341, 3604, 3636; title 18 sections 4201, 4218; title 19 section 2561; title 20 sections 1132b-1, 1221e-4, 1232; title 21 sections 358, 360d, 463; title 28 section 994; title 30 sections 811, 936, 1211, 1468, 1751; title 33 sections 1231, 1322, 1504; title 40 section 333; title 41 sections 43a, 47; title 42 sections 289d, 300g-1, 300h, 300k-1, 421, 1997e, 2210a, 3535, 4905, 5060, 5403, 5506, 5918, 5919, 6306, 6392, 7191, 7607, 8275, 8372, 8411, 9112, 9127, 9204, 10155, 10193; title 43 section 1740; title 44 section 2206; title 45 sections 431, 502, 562; title 46 sections 7702, 9303; title 46 App. sections 1241f, 1716; title 49 sections 10326, 10328, 10362, 11350; title 49 App. sections

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES—Cont.

Section	*Referred to in*
553—Cont.	1348, 1387, 1804, 2505, 2612; title 50 App. sections 2158, 2158a, 2168, 2412.
554	Sections 504, 552b, 556, 557, 8124 of this title; title 2 sections 501, 502; title 7 sections 86, 87e, 87f-1, 3804, 3805; title 12 sections 93, 504, 505, 1437, 1464, 1730, 1730a, 1786, 1817, 1818, 1828, 1847, 1972, 2268, 3413; title 15 sections 78d-1, 1274, 2064, 2066, 2605, 2615, 3412; title 16 sections 429b-1, 470ff, 773f, 796, 839f, 1030, 1174, 1536, 1540, 1856, 1858, 2407, 2437, 2602, 3142, 3373, 3636; title 18 sections 3625, 4218; title 20 section 1234; title 21 sections 321, 360e; title 29 sections 216, 659, 1813, 1853; title 30 sections 185, 804, 811, 815, 817, 818, 821, 938, 1264, 1268, 1275, 1293, 1426, 1462; title 33 sections 919, 1367, 1504; title 42 sections 2000e-17, 3783, 3789d, 4910, 6303, 6971, 7419, 7607, 7920, 8220, 8433, 9112, 9152, 9610; title 43 sections 1766, 1817; title 45 sections 432, 905; title 46 sections 7702, 9303; title 47 sections 409, 503; title 49 section 521; title 49 App. sections 1674b, 2611, 2618; title 50 App. sections 2168, 2410, 2412.
555	Title 2 sections 501, 502; title 16 sections 1536, 3636; title 18 sections 3625, 4218; title 42 sections 7607, 9612; title 43 section 1817; title 46 sections 7702, 9303; title 50 App. sections 2168, 2410, 2412.
556	Sections 553, 554, 557, 558, 706, 3105 of this title; title 2 sections 501, 502; title 7 sections 86, 87e, 87f-1, 3804, 3805; title 15 sections 57a, 2605, 3412; title 16 sections 796, 839f, 1536, 2602, 3636; title 18 section 4218; title 20 section 1234; title 21 sections 321, 376; title 22 sections 1037a, 4136; title 30 sections 811, 1415; title 33 section 907; title 39 sections 404, 3624, 3661; title 42 sections 2241, 7171, 7607, 9612; title 43 section 1817; title 46 sections 7702, 9303; title 47 section 155; title 49 App. section 2505; title 50 App. sections 2168, 2410, 2412.
557	Sections 553, 554, 556, 558, 706, 3105 of this title; title 2 sections 501, 502; title 7 sections 86, 87e, 87f-1; title 15 sections 57a, 2605, 3412; title 16 sections 796, 839f, 2602, 3636; title 18 section 4218; title 20 section 1234; title 21 section 321; title 30 sections 811, 823, 1415; title 39 sections 404, 3624, 3661; title 42 sections 2241, 7607; title 46 sections 7702, 9303; title 49 sections 10322, 10327; title 49 App. section 2505; title 50 App. sections 2168, 2410, 2412.
558	Title 2 sections 501, 502; title 42 section 2236; title 45 section 312; title 46 sections 7702, 9303; title 50 App. sections 2168, 2412.
559	Title 2 sections 501, 502; title 30 sections 823, 956; title 46 sections 7702, 9303; title 50 App. sections 2168, 2412.
701	Title 2 sections 501, 502; title 7 section 2143; title 16 section 839f; title 18 sections 843, 3625, 4218; title 20 section 1683; title 25 section 954; title 30 section 956; title 42 sections 5405, 6105, 6976; title 50 App. sections 2168, 2412.
702	Title 2 sections 501, 502; title 7 section 2143; title 16 section 839f; title 18 sections 843, 3625, 4218; title 19 section 1677c; title 25 section 954; title 28 section 2631; title 42 section 5405; title 43 section 1817; title 50 App. sections 2168, 2412.
703	Title 2 sections 501, 502; title 7 section 2143; title 16 section 839f; title 18 sections 843, 3625, 4218; title 25 section 954; title 42 section 5405; title 50 App. sections 2168, 2412.
704	Title 2 sections 501, 502; title 7 section 2143; title 15 section 78ccc; title 16 section 839f; title 18 sections 843, 3625, 4218; title 25 section 954; title 42 sections 5405, 7174, 7194; title 50 App. sections 2168, 2412.
705	Title 2 sections 501, 502; title 7 section 2143; title 15 sections 78y, 1262, 1474, 3416; title 16 sections 839f, 1855, 3636; title 18 sections 843, 3625, 4218; title 25 section 954; title 42 sections 5405, 7172; title 50 App. sections 2168, 2412.
706	Section 7123 of this title; title 2 sections 501, 502; title 7 section 2143; title 11 section 1172; title 12 sections 93, 504, 505, 1464, 1730, 1730a, 1786, 1818, 1828, 1972, 2268; title 15 sections 57a, 78y, 757, 760a, 1262, 1474, 2002, 2003, 2618; title 16 sections 773f, 839f, 1030, 1379, 1855, 1858, 2437, 3142, 3636; title 18 sections 843, 3625,

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Section	*Referred to in*
706—Cont.	4218; title 19 section 1337; title 22 section 4140; title 25 section 954; title 28 section 2640; title 29 sections 721, 1813, 1853; title 30 sections 956, 1462; title 39 section 3628; title 42 sections 5405, 5919, 6976, 7607, 9152; title 45 sections 432, 726, 904, 915, 1105; title 47 section 402; title 50 App. sections 2168, 2412.
903	Sections 902, 904, 905, 908, 909, 910 of this title.
905	Sections 903, 904 of this title.
909	Sections 903, 906, 908, 910 of this title; title 22 section 2587.
1302	Section 1303 of this title; title 18 section 1917; title 20 section 241; title 22 section 1438.
1304	Section 4109 of this title.
1308	Sections 3407, 4705 of this title.
2102	Section 3132 of this title; title 22 section 3641; title 28 section 576; title 36 section 121; title 42 section 2000e.
2104	Section 902 of this title; title 50 section 426.
2105	Sections 3551, 4501, 5342, 5506, 5515, 5537, 5551, 5552, 5581, 5595, 5751, 5945, 5946, 6103, 6104, 6121, 6301, 6322, 6323, 7103, 7119, 7342, 8171, 8172, 8173, 8311, 8331, 8701, 8901 of this title; title 10 sections 975, 1587; title 25 section 450i; title 50 section 426.
2107	Sections 8331, 8701, 8901 of this title; title 2 section 31b-5; title 22 section 3008; title 26 section 7448; title 31 section 774.
2108	Sections 3305, 3309, 3312, 3318, 3502, 3504 of this title; title 20 section 241; title 22 sections 1438, 3941; title 32 section 709; title 38 sections 106, 3103A, 4202; title 39 section 1005; title 49 App. section 2214.
3105	Sections 554, 556, 559, 1104, 1205, 1207, 1305, 3132, 3323, 3344, 4301, 5335, 5372, 7105, 7132, 7521, 7701 of this title; title 15 sections 327, 1715; title 19 section 1641; title 29 sections 661, 792; title 30 sections 804, 823, 932a; title 31 sections 6701, 6717, 6718; title 33 sections 873, 919; title 41 section 607; title 42 sections 2000e-4, 3608, 6303, 8220, 8433; title 43 section 1817; title 47 section 410; title 49 sections 10305, 10344, 11346; title 50 App. section 2412.
3109	Sections 575, 5102, 5306, 7342 of this title; title 2 section 136c; title 3 sections 105, 106, 107, 108; title 7 section 16; title 12 section 2405; title 15 sections 205i, 634d, 636, 1942, 2206, 2218, 2451, 4105; title 16 sections 410cc-36, 469b, 469j, 470m, 825q-1, 1052, 1406; title 17 section 805; title 18 sections 3153, 3168, 4204, 4352; title 19 sections 1331, 2171; title 20 sections 959, 1004, 1098, 1233d, 1505, 2012, 2106, 2431, 3413, 3462, 3463, 3702; title 21 section 1203; title 22 sections 272a, 277d-3, 280b, 280i, 280k, 290b, 290f, 290h-5, 1469, 1474, 1622d, 2024, 2083, 2102, 2103, 2386, 2512, 2581, 2669, 2873, 2905, 3106, 4308; title 25 section 640d-11; title 28 sections 602, 625, 994; title 29 sections 656, 671, 676, 783, 1302, 1774; title 30 section 1807; title 31 sections 332, 731, 5112; title 36 section 1404; title 40 sections 71a, 822, 873; title 42 sections 242b, 242*l*, 282, 285a-2, 285b-3, 290aa, 300k-3, 300v-2, 1962a-4, 1975d, 2473, 3211, 3525, 3788, 4276, 4343, 5042, 5149, 5612, 5816, 6616, 7171, 7211, 7233, 10411, 10412; title 44 sections 2105, 3319; title 49 sections 323, 10384; title 49 App. sections 20, 26b, 1903, 2508; title 50 App. sections 2158, 2158a, 2169.
3132	Sections 2101a, 3104, 3133, 3135, 3372, 3391, 3591, 4311, 4507, 5311, 5381 of this title; title 10 section 1601; title 20 section 1402; title 31 section 733; title 44 section 2103.
3304	Section 3302 of this title; title 22 section 3008; title 38 section 2023; title 40 section 42.
3305	Title 20 section 241; title 22 section 1438; title 40 section 42.
3308	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3309	Sections 3313, 3320 of this title; title 20 section 241; title 22 section 1438.
3310	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3311	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3312	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3313	Sections 3314, 3315, 3320 of this title; title 20 section 241; title 22 section 1438.
3314	Section 3320 of this title; title 20 section 241; title 22 section 1438.

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Section	*Referred to in*
3315	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3316	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3317	Sections 3110, 3318, 3320 of this title; title 20 section 241; title 22 section 1438.
3318	Section 3320 of this title; title 20 section 241; title 22 section 1438.
3320	Title 20 section 241; title 22 section 1438.
3331	Sections 2903, 2904, 2905, 2906, 3332 of this title; title 2 section 64-1; title 10 sections 591, 603, 626; title 14 sections 273, 735; title 22 section 2504; title 33 section 854a-2; title 42 section 1971.
3343	Sections 3582, 3584 of this title; title 26 section 3121; title 42 section 410.
3344	Sections 559, 1305 of this title; title 15 section 1715; title 29 section 661; title 30 section 823; title 42 sections 2000e-4, 3608, 3787.
3351	Title 20 section 241; title 22 section 1438.
3363	Title 20 section 241; title 22 section 1438.
3371	Section 3372 of this title.
3501	Sections 3502, 6303 of this title; title 10 section 1586; title 20 section 241; title 22 section 1438.
3502	Sections 7512, 7521 of this title; title 10 section 1586; title 20 section 241; title 22 section 1438; title 25 section 472a; title 32 section 709.
3503	Section 3595 of this title; title 10 section 1586; title 20 section 241; title 22 section 1438; title 24 section 225d.
3504	Section 3501 of this title; title 20 section 241; title 22 section 1438.
3581	Section 3343 of this title; title 26 section 3121; title 42 section 410.
3594	Section 3135 of this title.
3595	Sections 3135, 3393, 3593, 3594, 7542 of this title.
4301	Sections 559, 1305 of this title; title 7 section 5005.
4302	Title 7 section 5005; title 31 section 732.
4302a	Sections 5403, 5404, 5406 of this title; title 7 section 5005.
4303	Sections 7121, 7512, 7701 of this title; title 7 section 5005; title 31 section 732.
4304	Title 7 section 5005.
4305	Section 4304 of this title; title 7 section 5005.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES—Cont.

Section	*Referred to in*
4503	Sections 4502, 4504 of this title; title 50 section 403e-1.
5103	Title 20 section 903.
5104	Sections 5402, 7201 of this title; title 10 section 1586; title 20 section 1402.
5301	Sections 5305, 5306 of this title; title 2 section 906; title 31 section 732.
5303	Sections 3326, 5363, 5405 of this title; title 31 section 325.
5305	Sections 5301, 5307, 5318, 5382, 5403 of this title; title 2 sections 31, 60a-1, 60a-2, 84a-1, 906; title 3 section 104; title 28 section 461; title 38 section 4142; title 42 sections 254*l*, 294z.
5308	Sections 5301, 5382 of this title; title 10 section 9314.
5312	Title 10 sections 973, 1603; title 12 section 1723a; title 22 sections 3965, 4606; title 26 section 3121; title 28 section 591; title 39 section 1003; title 42 sections 410, 7211, 7291, 8713; title 45 section 543; title 47 section 396.
5313	Sections 8701, 8714b of this title; title 3 sections 105, 106, 108; title 10 section 973; title 22 section 3961; title 26 section 3121; title 28 section 591; title 31 section 703; title 42 sections 210, 410, 1864, 4346, 5871, 5872, 6612, 7132, 7211, 7291, 7293.
5314	Title 2 sections 60a-1, 136a-2, 282b, 288, 474, 601; title 3 sections 105, 106, 107; title 10 section 973; title 12 section 2242; title 15 section 205i; title 22 sections 3505, 3961; title 26 section 3121; title 28 section 591; title 31 section 703; title 38 section 4107; title 40 section 162a; title 42 sections 410, 1864a, 5041, 5871, 5872, 6612, 7132, 7134, 7211, 7291, 7293, 8718; title 44 section 2103; title 50 App. section 2169.
5315	Section 5317 of this title; title 2 sections 136a-2, 166, 285e, 286e, 288; 437c, 474, 601; title 10 sections 973, 2359; title 12 section 2242; title 15 sections 274, 790b, 2204; title 20 sections 3501, 3503; title 16 section 3181; title 22 sections 286a, 290f, 290h-5, 2882, 3506, 3961; title 26 section 3121; title 28 sections 548, 594; title 30 sections 1121, 1211; title 31 section 731; title 38 section 4107; title 40 sections 166b, 206-1; title 42 sections 410, 1395ww, 1975b, 3525, 4346,

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Section	*Referred to in*
5315—Cont.	5041, 5553, 5871, 5872, 7002, 7132, 7133, 7134, 7135, 7136, 7138, 7139, 7141, 7211, 7291, 7293, 8718, 8820, 10224; title 44 section 303; title 49 section 11161; title 50 App. section 2168.
5316	Sections 5311, 5317 of this title; title 2 sections 60a-2, 74a-3, 84a-1, 282b, 288, 353, 437c; title 3 section 113; title 10 section 973; title 12 sections 1723a, 3605; title 15 sections 2204, 3704; title 20 sections 964, 1221e, 3501, 3503; title 22 sections 286a, 1465c, 1622c, 2872, 3506, 3961, 4106; title 26 sections 3121, 6103; title 28 sections 332, 548, 603, 625; title 29 section 761a; title 31 section 731; title 38 section 4107; title 39 section 206; title 40 section 166b-1; title 42 sections 410, 907a, 1864a, 2996d, 3201, 3525, 5041, 5871, 5872, 7138, 7211, 7232, 7291, 7293, 10704; title 44 sections 303, 3319; title 47 section 155; title 50 App. section 2168.
5317	Title 10 section 973; title 26 section 3121; title 28 section 548; title 42 section 410.
5332	Sections 575, 3109, 5303, 5374, 5404, 5405, 5948, 6301, 8141 of this title; title 2 sections 60a-1, 60a-2, 166, 353, 414, 416, 437c, 476, 601; title 3 sections 105, 106, 107, 113, 114; title 7 sections 16, 1505, 1765a, 3127; title 10 sections 867, 1604, 7043; title 11 section 1302; title 12 sections 634, 636, 1749bbb-1, 2405, 3013, 3606; title 15 sections 205h, 205i, 1275, 2218, 2412, 2451, 3709, 4102; title 16 sections 79*l*, 469j, 470m, 825q-1, 1401, 1403; title 17 section 802; title 18 sections 207, 3153, 4202, 4204, 4351, 4352; title 19 sections 1331, 2171; title 20 sections 929, 955, 957, 963, 964, 1002, 1047c, 1102, 1134i, 1135c-1, 1221e, 1221f, 1233c, 1233d, 1505, 2011, 2012, 2103, 3413, 3461, 3462; title 21 sections 113a, 376; title 22 sections 1469, 1622d, 2385, 2386, 2456, 2511, 2512, 2669, 2903, 2905, 3507, 3508, 3612, 3614, 3963, 4110, 4135, 4155, 4605; title 25 section 640d-11; title 26 section 4946; title 28 sections 332, 548, 586, 587, 594, 602, 625, 995; title 28 App. section 308; title 29 sections 183, 656, 661, 676, 761a, 782, 783, 792, 794b; title 30 sections 812, 938, 1229, 1315; title 31 section 731; title 32 section 709; title 33 sections 1128, 1320, 1325, 1374; title 35 sections 3, 7; title 37 section 1009; title 38 section 4107; title 41 sections 351, 607; title 42 sections 300j-10, 1320a-1, 1320c-2, 1395*oo*, 1863, 1873, 1962a-4, 1962b-4, 1975d, 3015, 3525, 3788, 4365, 4372, 4845, 5042, 5105, 5112, 5612, 5651, 5841, 6614, 6616, 6632, 7211, 7213, 7231, 7233, 7546, 8103, 8718; title 44 section 3319; title 46 App. section 1717; title 47 section 611; title 49 App. sections 1673, 2003; title 50 section 405; title 50 App. section 2169.
5341	Title 10 section 1604; title 41 section 351.
5342	Sections 5343, 5361, 5550 of this title; title 10 section 1604.
5373	Section 5382 of this title; title 12 section 2245.
5401	Title 10 section 1602; title 31 section 731.
5402	Title 49 App. section 1555.
5403	Section 5405 of this title.
5404	Sections 5335, 5405 of this title.
5405	Sections 5403, 5404 of this title.
5406	Section 5407 of this title.
5407	Section 5406 of this title.
5504	Sections 5332, 5505 of this title; title 2 sections 142e, 142f, 142g; title 20 section 241; title 38 section 4108; title 40 sections 166b-1d, 166b-1e.
5514	Title 16 section 470m; title 42 sections 294n, 297b.
5532	Sections 5531, 8116, 8339, 8344 of this title; title 22 sections 2584, 4048; title 38 section 4107; title 39 section 410; title 42 section 2038.
5533	Sections 5504, 5550a, 6101 of this title; title 20 section 241.
5542	Sections 5543, 5545, 5546, 5547, 6123, 6128 of this title; title 14 section 432; title 15 section 278e; title 20 section 241; title 32 section 709.
5543	Section 6123 of this title; title 14 section 432; title 15 section 278e; title 20 section 241; title 32 section 709.
5544	Sections 5541, 5550, 6123, 6128 of this title; title 2 section 60e-2b; title 14 section 432; title 15 section 278e; title 20 section 241; title 22 section 3664; title 32 section 709.
5545	Sections 5546, 5547, 5548, 5595, 6123, 8114, 8331, 8704 of this title; title 14 section 432; title 15 section 278e; title 20 section 241.

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Section	*Referred to in*
5546	Sections 5547, 6128 of this title; title 14 section 432; title 15 section 278e; title 20 section 241.
5546a	Section 5547 of this title; title 20 section 241.
5547	Title 20 section 241.
5548	Title 20 section 241.
5549	Title 20 section 241.
5551	Sections 5552, 5596, 6304, 6306, 8344 of this title; title 15 section 2081; title 20 section 904; title 25 section 2011; title 45 section 1206.
5582	Sections 5383, 5583, 5595 of this title; title 22 section 2504; title 29 section 1699; title 42 section 4955.
5701	Title 2 section 68b; title 7 sections 3128, 3194, 3335, 4108, 5005; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474; title 46 App. section 1717.
5702	Sections 5707, 5724a of this title; title 2 section 476; title 7 sections 3128, 3194, 3335, 4108, 5005; title 15 section 1341; title 16 sections 971h, 2443, 3608, 3641; title 18 section 4285; title 22 sections 1474, 2396, 2704; title 26 section 4941; title 28 sections 456, 1821; title 31 section 326; title 36 section 121; title 38 section 111; title 42 sections 275, 2477.
5703	Sections 573, 5306, 5702, 7119 of this title; title 2 sections 175, 352, 475; title 7 sections 87i, 1388, 1505, 2233, 3128, 3194, 3335, 4108, 5005; title 10 sections 1464, 1589, 2006; title 12 sections 1701j-2, 1701y, 1749bbb-1, 3013; title 15 sections 633, 637, 1275, 1341, 1942, 4102; title 16 sections 1a-2, 410cc-31, 450jj-6, 469j, 839b, 972a, 1105, 1157, 1401, 1403, 1460, 1536, 1537a, 1604, 2443, 3181; title 18 section 4351; title 19 section 2171; title 20 sections 929, 955, 957, 959, 963, 1098, 1134i, 1233c, 1505, 2012, 2103, 2106, 3602, 3701; title 21 sections 360c, 360d, 360e, 360j, 376, 1115; title 22 sections 287*o*, 287q, 290f, 290h-5, 1465c, 1471, 1474, 1622c, 2102, 2103, 2124b, 2351, 2456, 2581, 2672b, 2872, 2873, 2903, 2905, 3106, 3507, 3617, 4110, 4605; title 25 section 305; title 28 section 2077; title 29 sections 656, 782, 792, 794b, 1142, 1302; title 30 sections 663, 812, 1315; title 31 section 751; title 33 sections 426, 857-16, 1320, 2073; title 36 sec-
5703—Cont.	tions 121, 1403; title 40 sections 333, 486, 822, 872; title 41 section 46; title 42 sections 210, 242c, 242*l*, 254j, 290aa, 300j-5, 300k-3, 300v, 907, 1108, 1314, 1320a-1, 1395ss, 1870, 1873, 1975b, 2473, 2495, 3015, 3211, 3535, 3609, 3788, 4025, 4768, 4914, 5042, 5105, 5112, 5404, 5651, 5661, 5774, 6007, 6614, 6632, 7234, 7417, 7546, 9511; title 44 sections 2104, 2503, 3318; title 46 sections 9307, 13110; title 46 App. section 1295b; title 47 section 611; title 49 section 325; title 49 App. sections 1673, 2003, 2508; title 50 section 98h-1; title 50 App. section 2168.
5704	Sections 5707, 5724 of this title; title 2 section 476; title 7 sections 3128, 3194, 3335, 4108, 5005; title 13 sections 24, 26; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474; title 28 section 1821; title 30 section 812; title 33 section 1320; title 37 section 404; title 38 section 111; title 42 sections 275, 2477.
5705	Section 5724 of this title; title 7 sections 3128, 3194, 3335, 4108, 5005; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474.
5706	Title 7 sections 3128, 3194, 3335, 4108, 5005; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474.
5706a	Section 5707 of this title; title 7 sections 3128, 3194, 3335, 4108, 5005; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474.
5707	Sections 5702, 5704, 5706a, 5709 of this title; title 7 sections 3128, 3194, 3335, 4108, 5005; title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474; title 28 section 456; title 40 section 872.
5708	Title 16 sections 971h, 2443, 3608, 3641; title 22 section 1474.
5708	Title 8 section 1353; title 22 section 3650; title 46 App. section 1717.
5721	Sections 302, 503, 3109, 5734, 5913 of this title; title 26 section 912; title 42 section 8241.
5722	Sections 5724, 5726, 5727 of this title; title 22 section 3650.
5723	Sections 5726, 5727 of this title; title 28 section 530.
5724	Sections 3375, 4109, 5723, 5724a, 5724b, 5726 of this title; title

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Section	*Referred to in*
5724—Cont.	16 section 3378; title 42 section 290aa; title 50 section 403e.
5724a	Sections 3375, 5724, 5724b of this title; title 22 section 3691; title 38 section 235; title 42 section 290aa; title 50 section 403e.
5724b	Section 5724 of this title.
5724c	Section 5724b of this title.
5726	Sections 3735, 5724, 5724a of this title; title 26 section 912; title 42 section 290aa.
5731	Title 2 section 476; title 16 sections 916*l*, 961, 971h, 1032, 2443, 3608, 3641; title 22 sections 287e, 287r, 2024; title 42 sections 275, 2477, 4277; title 50 section 403e.
5733	Title 16 section 2443; title 46 App. section 1717.
5901	Sections 5902, 8331 of this title; title 16 sections 1a-4, 742j-2; title 38 section 218; title 43 section 1468; title 44 section 309.
5911	Title 16 section 754.
5924	Section 5941 of this title; title 10 section 1605; title 20 section 906; title 22 sections 2506, 4081; title 26 section 912; title 37 section 431.
5941	Section 5405 of this title; title 10 section 1604; title 20 section 906; title 22 section 2506; title 39 section 1005.
5943	Title 26 section 134.
5948	Section 5383 of this title; title 24 section 225e; title 42 section 1395ww.
6101	Sections 5504, 6122, 6127 of this title; title 20 section 241; title 32 section 709; title 40 sections 166b-1d, 166b-1e.
7103	Sections 4703, 5402, 5596, 6121 of this title; title 22 section 3701; title 38 section 210.
7201	Title 22 sections 3905, 3922a; title 31 section 732.
7511	Title 20 section 241; title 22 section 1438; title 32 section 709.
7512	Sections 3315, 7121 of this title; title 20 section 241; title 22 section 1438; title 32 section 709; title 50 sections 832, 833.
7701	Sections 1206, 3395a, 3592, 3593, 3595, 4303, 5596, 7121, 7513, 7543, 7702, 7703, 8347 of this title; title 20 section 241; title 22 sections 1438, 4137; title 28 section 576; title 31 section 753.
7703	Sections 7121, 8347 of this title; title 28 section 1295.
8101	Sections 3373, 3374, 7902, 8110, 8118, 8133, 8191, 8192 of this title; title 16 sections 1a-6, 18i, 558c, 742f, 773a; title 22 section 3973; title 29 section 1706; title 30 section 902; title 42 sections 3796b, 5055.
8113	Sections 8101, 8143 of this title; title 18 section 1921; title 29 section 1706; title 42 section 5055.
8114	Sections 8115, 8133 of this title; title 28 section 1877.
8143	Title 29 section 1706.
8301	Title 10 sections 564, 1164, 1210, 1221, 1263, 1305, 1331, 1404.
8331	Sections 3307, 3323, 8332, 8344, 8347, 8704 of this title; title 12 section 1723a; title 22 sections 3671, 3681; title 26 sections 402, 7447; title 28 section 376; title 38 sections 4109, 4118; title 45 section 1206.
8332	Sections 6303, 8331, 8334, 8339, 8345 of this title; title 16 section 1169a; title 22 sections 3671, 3681, 4048, 4056; title 25 section 450i; title 26 sections 3121, 7448; title 38 sections 4109, 4114; title 42 section 410.
8334	Sections 8331, 8332, 8333, 8339, 8342, 8344, 8348 of this title; title 12 sections 1723a, 2227; title 22 sections 3671, 3681; title 26 section 3121; title 28 sections 611, 627; title 40 section 881; title 42 section 410; title 45 section 1206.
8336	Sections 3381, 3382, 3396, 8335, 8339, 8348 of this title; title 22 sections 3671, 3691; title 24 section 225d; title 25 section 472a; title 45 section 1206.
8337	Sections 8339, 8345, 8347, 8706, 8908 of this title; title 38 sections 4109, 4118.
8339	Sections 6129, 8332, 8334, 8336, 8337, 8338, 8341, 8342, 8344, 8348, 8901, 8905 of this title; title 10 sections 1450, 1452; title 22 sections 3671, 3691; title 38 section 4109.
8341	Sections 8331, 8333, 8339, 8340, 8342, 8344, 8345, 8348, 8901, 8905 of this title; title 10 sections 1450, 1452; title 38 sections 4109, 4118.
8342	Sections 8316, 8339, 8343, 8344 of this title; title 16 section 1168; title 26 section 3121; title 42 section 410.
8345	Sections 8342, 8346, 8901, 8905 of this title.
8701	Sections 8706, 8714a, 8714b, 8714c, 8716 of this title.
8901	Sections 8903, 8903a, 8906, 8909, 8913 of this title; title 42 section 251.
8903	Sections 8901, 8902, 8903a, 8904, 8905, 8907, 8908, 8909, 8913 of this title; title 42 section 1395s.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES—Cont.

Section	*Referred to in*
8903a	Sections 8901, 8902, 8905, 8907, 8908, 8909, 8913 of this title; title 42 section 1395s.
8904	Sections 8903, 8903a of this title.
8906	Section 8909 of this title; title 42 section 1395s; title 45 section 1212.
8909	Sections 8905, 8906 of this title; title 25 section 450i.

TITLE 7—AGRICULTURE

Section	*Referred to in*
7	Sections 2, 8, 13a of this title; title 15 section 78c.
21	Sections 6p, 12a, 16a, 19, 25 of this title; title 15 section 78c.
23	Sections 2, 12a, 13, 16, 25 of this title; title 11 section 761.
178n	Section 178c of this title.
343	Sections 2020, 3175, 3221 of this title.
361c	Sections 361e, 3222 of this title.
390a	Sections 390b, 390c, 390h of this title.
390b	Section 390h of this title.
390c	Section 390d of this title.
390h	Section 390i of this title.
450i	Sections 3122, 3222, 3241, 3311, 3315, 3319 of this title.
471	Section 2276 of this title.
499e	Section 499b of this title.
501	Sections 503, 2276 of this title.
612c	Sections 624, 1392, 1421, 1424, 1431b, 1641, 1736m, 1736v, 1855, 2627, 4004 of this title; title 12 section 1150a; title 15 sections 713c, 713c-2, 713c-3; title 22 section 1922; title 31 section 1511; title 40 section 474; title 42 sections 1755, 1758, 1761, 1762, 1762a, 1777, 1786, 3030a, 3045f, 5180.
612c-3	Sections 12d, 87f-2 of this title; title 50 App. sections 2406, 2413, 2416.
624	Sections 625, 672, 673, 1392, 1852, 1854 of this title; title 19 sections 1360, 1366, 1887, 2581, 2703.
951	Section 2276 of this title.
1301	Sections 602, 1111, 1301a, 1340, 1445, 1445-2, 1782 of this title; title 43 section 620c.
1307	Section 1308 of this title; title 16 section 3834.
1308	Sections 1308a, 1441, 1444d, 1445b-1 of this title.
1308a	Section 1308 of this title.
1326	Section 1340 of this title.
1332	Sections 1333, 1334 of this title.
1333	Section 1332 of this title.
1334	Sections 1332, 1445b-3 of this title.
1334b	Section 1332 of this title.
1335	Sections 1332, 1339, 1379c, 1441, 1445a of this title; title 16 section 590p.

TITLE 7—AGRICULTURE—Cont.

Section	*Referred to in*
1336	Section 1332 of this title.
1338	Section 1332 of this title.
1339	Sections 1379c, 1445a of this title.
1339c	Title 16 section 590p.
1340	Title 16 section 590p.
1342	Sections 1343, 1344, 1427 of this title.
1344	Sections 1346, 1349, 1350, 1377, 1428, 1444 of this title.
1346	Section 1349 of this title.
1358	Sections 1359, 1445c-1, 1445c-2 of this title.
1359	Sections 1358, 1445c-1, 1445c-2 of this title.
1363	Sections 1314b, 1314b-1, 1314b-2, 1314c of this title.
1379	Section 1314d of this title.
1379c	Section 1445a of this title.
1421	Sections 1428, 1444, 1444b, 1444d, 1444e, 1445a, 1448 of this title.
1422	Sections 1428, 1441, 1444 of this title.
1423	Sections 1428, 1444, 1445, 1445c-1, 1445c-2 of this title.
1426	Sections 1428, 1444 of this title.
1427	Sections 1359, 1427a, 1428, 1433, 1444, 1445e, 1446, 1744, 1853 of this title; title 50 App. section 2093.
1431	Sections 1428, 1431b, 1431c, 1431d, 1444, 1446a, 1736n, 1736*o*, 4004 of this title; title 22 section 1922; title 42 sections 1758, 1761, 1762a, 1777, 1786, 3030a, 3045f; title 46 App. section 1241f.
1441	Sections 1427, 1428, 1442, 1444, 1444a, 1444b, 1445, 1445a of this title.
1444	Sections 1344, 1348, 1349, 1350, 1377, 1427, 1428 of this title.
1444-1	Section 1308 of this title.
1444b	Section 1444a of this title.
1444e	Sections 1308, 1445b-5, 1445h of this title.
1445	Section 625 of this title.
1445a	Section 1379c of this title.
1445b-3	Sections 1308, 1309, 1445b-5, 1445h of this title.
1445c-2	Section 1359 of this title.
1445e	Sections 1445b-4, 4001, 4002 of this title.
1448	Sections 1446, 1449 of this title.
1449	Section 1446 of this title.
1508	Sections 1444, 1506, 1518 of this title.
1622	Section 2276 of this title; title 40 section 474.
1701	Section 1708 of this title; title 22 section 1922.
1703	Sections 1707, 1707a, 1727d of this title.
1705	Sections 1703, 1708, 1709, 1733, 1736a of this title; title 22 section 2291a.

TITLE 7—AGRICULTURE—Cont.

Section	*Referred to in*
1706	Sections 1707, 1708, 1736*o* of this title.
1707a	Sections 1736m, 1736n of this title; title 46 App. sections 1241j, 1241p.
1708	Sections 1701, 1703, 1705, 1706 of this title.
1723	Section 1431, 1736*o* of this title.
1731	Sections 1431, 1707, 1721, 1727c, 1736f-1, 1736*o* of this title.
1733	Section 1707 of this title; title 46 App. section 1241h.
1736f-1	Sections 1445e, 4001 of this title; title 46 App. section 1241f.
1736*o*	Section 1431 of this title.
1741	Section 1745 of this title.
1923	Sections 1922, 1925, 1927, 1934 of this title.
1926	Sections 1927, 1929, 1929a, 1931, 1983, 1992, 2204b of this title; title 16 section 2106; title 42 sections 3122, 5153.
1927	Sections 1926, 1929, 1931, 1946, 1947, 1968 of this title; title 25 section 492.
1929	Sections 1929a, 1931, 1947, 1968, 1983a, 1994, 1999 of this title; title 25 section 488; title 42 sections 1485, 1487, 8813.
1934	Sections 1925, 1927, 1942, 1983 of this title.
1964	Section 1963 of this title.
1981	Section 2000 of this title.
1981b	Section 1946 of this title.
1982	Sections 1981, 1986 of this title.
1983	Section 1932 of this title.
1997	Section 1985 of this title.
2012	Sections 2012a, 2014, 2019, 2020 of this title; title 42 section 503.
2019	Sections 2012, 2012a of this title; title 42 section 4728.
2021	Sections 2018, 2023 of this title.
2022	Sections 2014, 2020, 2023, 2025, 2027 of this title; title 42 section 503.
2023	Sections 2015, 2018, 2020, 2021, 2022, 2025 of this title.
2025	Sections 2015, 2017, 2020, 2022, 2027 of this title.
2027	Sections 2013, 2025 of this title.
2029	Sections 2013, 2015, 2026 of this title.
2143	Sections 2132, 2133, 2144, 2145, 2154, 2155 of this title.
2204	Section 2276 of this title.
2248	Section 2276 of this title.
2401	Title 35 section 201.
2461	Sections 2404, 2463, 2568 of this title; title 28 section 1295.
2623	Section 2617 of this title.
2903	Sections 2902, 2904, 2911 of this title.
2904	Sections 2902, 2905, 2907 of this title.
2905	Sections 2903, 2904 of this title.
2906	Section 2907 of this title.
3103	Sections 3319, 3292, 4701 of this title.

TITLE 7—AGRICULTURE—Cont.

Section	*Referred to in*
3175	Section 3175e of this title.
3175a	Sections 2020, 3175b, 3175e of this title.
3175b	Sections 2020, 3175c, 3175e of this title.
3175c	Sections 2020, 3175b, 3175d, 3175e of this title.
3175d	Sections 2020, 3175b, 3175e of this title.
3175e	Sections 2020, 3175b of this title.
3222	Section 4501 of this title; title 40 section 483.
3322	Section 3321 of this title.
4202	Section 4209 of this title.
4501	Section 4502 of this title.
4503	Section 4502 of this title.
4504	Sections 4502, 4505 of this title.
4505	Sections 4502, 4503, 4504, 4533 of this title.
4506	Section 4502 of this title.
4507	Sections 4502, 4506 of this title.
4508	Section 4502 of this title.
4509	Section 4535 of this title.
4510	Section 4535 of this title.
4511	Section 4535 of this title.
4532	Sections 4531, 4536 of this title.
4533	Sections 4534, 4535, 4536, 4538 of this title.
4534	Section 4531 of this title.
4536	Section 4531 of this title.
4537	Section 4531 of this title.
4604	Section 4605 of this title.
4606	Sections 4602, 4611 of this title.
4607	Section 4606 of this title.
4608	Sections 4606, 4607 of this title.
4610	Section 4609 of this title.
4704	Sections 4707, 4708, 4709 of this title.
4705	Sections 4707, 4708, 4709 of this title.
4706	Section 4707 of this title.
4708	Sections 4704, 4705 of this title.
4802	Section 4809 of this title.
4803	Section 4802 of this title.
4804	Section 4805 of this title.
4805	Section 4809 of this title.
4806	Sections 4802, 4805, 4807, 4808 of this title.
4807	Sections 4805, 4806 of this title.
4808	Sections 4802, 4805, 4809 of this title.
4809	Sections 4805, 4806, 4807, 4808, 4813, 4817, 4819 of this title.
4810	Section 4805 of this title.
4811	Sections 4809, 4812, 4813, 4817 of this title.
4812	Section 4811 of this title.
4813	Sections 4806, 4807, 4809 of this title.
4902	Section 4912 of this title.
4903	Section 4902 of this title.
4906	Sections 4907, 4908 of this title.
4907	Sections 4906, 4912 of this title.
4908	Sections 4907, 4912 of this title.
4910	Section 4909 of this title.
5002	Section 5001 of this title.
5003	Section 5004 of this title.

TITLE 8—ALIENS AND NATIONALITY

Section	*Referred to in*
1101	Sections 1102, 1151, 1152, 1153, 1154, 1157, 1158, 1159, 1181, 1182, 1184, 1184a, 1201, 1251, 1254, 1255, 1255b, 1257, 1258, 1282, 1303, 1481 of this title; title 2 section 441e; title 7 section 2015; title 18 sections 613, 831, 1203, 3077, 3142; title 22 sections 1474, 2395, 2508, 3508; title 26 sections 871, 872, 1441, 3121, 3231, 3306, 7701; title 29 section 1802; title 42 sections 410, 1436a; title 45 sections 231, 351; title 46 section 2101; title 50 sections 424, 1801; title 50 App. sections 453, 456.
1153	Sections 1152, 1154, 1182, 1255 of this title; title 26 section 3304; title 42 sections 602, 615, 1382c, 1382j.
1157	Sections 1101, 1151, 1159, 1181, 1182, 1522 of this title; title 7 section 2015; title 22 section 4703; title 42 sections 602, 615, 1382j, 1436a.
1158	Section 1151 of this title; title 7 section 2015; title 22 section 4703; title 42 sections 602, 615, 1436a.
1182	Sections 1101, 1102, 1153, 1157, 1159, 1181, 1183, 1184, 1201, 1222, 1223, 1224, 1225, 1226, 1251, 1254, 1255, 1258, 1259, 1282, 1284, 1322, 1327 of this title; title 7 section 2015; title 26 section 3304; title 28 section 1821; title 42 sections 602, 615, 1382c, 1382j, 1436a.
1184	Section 1201 of this title, title 26 section 3306; title 29 section 1802.
1253	Sections 1184, 1330, 1427 of this title; title 7 section 2015; title 22 sections 618, 2508; title 42 section 1436a.
1424	Sections 1427, 1433, 1435, 1441, 1451 of this title.
1445	Section 1423 of this title; title 20 section 955b; title 42 section 1881.

TITLE 10—ARMED FORCES

Section	*Referred to in*
139	Section 139a of this title; title 22 section 2795b.
139a	Sections 136a, 139b, 139c, 1621, 2305a, 2362, 2403 of this title.
178	Section 2113 of this title.
265	Sections 523, 641, 3019, 8019 of this title.
268	Title 38 section 1402.
371	Section 373 of this title.
511	Title 5 section 2108; title 14 section 713; title 37 section 205; title 38 sections 1402, 1602, 1652, 1701; title 50 App. section 456.

TITLE 10—ARMED FORCES—Cont.

Section	*Referred to in*
523	Sections 138, 524, 526, 623, 3202, 3380, 5442, 5443, 5444, 5721, 8202, 8380 of this title.
524	Sections 526, 3380, 8380 of this title.
558	Section 628 of this title.
628	Section 641 of this title.
631	Section 619 of this title.
672	Sections 268, 273, 523, 641, 673c, 674, 678, 3080, 8080 of this title.
673	Sections 138, 268, 673c of this title.
673b	Sections 138, 523, 641, 673c of this title.
688	Sections 675, 6151 of this title.
801	Section 1044 of this title; title 42 section 665.
832	Sections 834, 838 of this title.
836	Sections 839, 906a of this title.
860	Sections 838, 857, 861, 864, 869, 871, 876a of this title.
861	Sections 865, 866, 869, 871 of this title.
864	Section 871 of this title.
866	Sections 707, 861, 862, 864, 865, 869 of this title.
867	Sections 707, 869 of this title; title 5 section 8337; title 28 section 1259.
869	Sections 861, 864, 865 of this title.
973	Sections 3017, 5036, 8017 of this title; title 40 section 758; title 44 section 2105.
1072	Sections 1040, 1076, 1076a, 1079, 1086, 2114, 2147 of this title.
1073	Section 1072 of this title.
1074	Sections 1075, 1086, 1087 of this title; title 38 section 5011.
1074a	Title 37 section 204.
1076a	Section 1077 of this title.
1077	Sections 1075, 1076, 1079, 1080, 1086 of this title.
1086	Sections 1082, 1087 of this title; title 38 section 613; title 42 sections 248d, 300e-1.
1124	Title 42 section 213a.
1212	Sections 1174, 1203, 1206 of this title; title 38 section 361.
1437	Section 1440 of this title.
1438	Title 5 sections 8311, 8316; title 26 section 122.
1444	Sections 1434, 1436, 1437, 1445 of this title.
1450	Sections 1448, 1451, 1452, 1455 of this title; title 38 section 410.
1451	Sections 1448, 1450 of this title.
1452	Sections 1448, 1450, 1451, 1455 of this title; title 26 section 122.
1455	Sections 1448, 1450, 1454 of this title.
1465	Sections 1464, 1466 of this title.
1466	Sections 1462, 1465 of this title.
1481	Sections 1482, 1490 of this title.

TITLE 10—ARMED FORCES—Cont.

Section	*Referred to in*
1482	Section 1490 of this title; title 38 section 901.
1601	Section 1603 of this title.
1602	Section 1603 of this title.
1622	Section 1623 of this title.
2006	Title 38 section 1435.
2107	Sections 2005, 2104, 2106, 2107a, 2134 of this title; title 37 sections 209, 416, 422; title 38 sections 1411, 1412.
2107a	Sections 2005, 2108 of this title.
2131	Section 2132 of this title.
2132	Section 2135 of this title.
2134	Section 2132 of this title.
2135	Section 2132 of this title.
2204	Section 2384a of this title.
2207	Section 2343 of this title.
2208	Sections 2210, 2213, 4621, 7227, 9621 of this title; title 40 section 484.
2302	Section 2403 of this title.
2303	Sections 2301, 2308, 2309, 2313, 2314, 2318, 2320, 2323, 2384a of this title.
2304	Sections 2306, 2310, 2311, 2343, 2407 of this title; title 15 section 637; title 41 sections 416, 417; title 50 sections 403c, 1432, 1651.
2305	Sections 2310, 2320 of this title; title 42 section 1594; title 50 section 403c.
2306	Sections 2310, 2313, 2343, 2406 of this title; title 50 section 403c.
2313	Sections 2310, 2343 of this title; title 50 section 403c.
2341	Section 2343 of this title.
2342	Section 2343 of this title.
2343	Sections 2341, 2342 of this title.
2350	Section 2213 of this title.
2354	Section 2356 of this title; title 42 sections 241, 284, 1887.
2397	Section 2397a of this title.
2413	Section 2415 of this title.
2631	Section 2407 of this title.
2634	Title 33 section 857a; title 37 section 406, 406b; title 42 section 213a.
2683	Title 50 App. section 473.
2733	Sections 2735, 2736 of this title; title 5 section 5564; title 31 section 1304; title 37 section 554.
2807	Sections 138, 2687, 2861 of this title.
2827	Section 2821 of this title.
2828	Sections 2822, 2834 of this title.
2854	Sections 138, 2807 of this title.
3353	Sections 123, 689, 3359, 3360, 3396 of this title.
3375	Sections 123, 3364 of this title.
4342	Sections 4343, 4344 of this title.
4746	Title 49 App. section 1553.
6222	Title 37 sections 207, 424.
6954	Sections 6956, 6957, 6958 of this title.
7307	Section 139b of this title; title 22 section 2793.
8353	Sections 123, 689, 8358, 8359, 8366, 8396 of this title.
8496	Sections 523, 641, 8541 of this title; title 32 section 107; title 37 section 204.
9314	Title 5 section 5102.
9342	Sections 9343, 9344 of this title.
9346	Section 9344 of this title.
9746	Title 49 App. section 1553.

TITLE 11—BANKRUPTCY

Section	*Referred to in*
109	Sections 349, 921 of this title.
301	Sections 101, 362, 522, 541, 901, 921 of this title.
302	Sections 101, 362, 522, 541 of this title.
303	Sections 101, 306, 362, 503, 504, 522, 541, 549, 15103 of this title; title 28 sections 1411, 1480.
304	Sections 101, 305, 306 of this title; title 28 section 1410.
326	Sections 330, 557, 15103 of this title.
329	Sections 330, 541 of this title.
344	Sections 521, 901 of this title.
348	Section 101 of this title.
362	Sections 108, 109, 361, 363, 365, 505, 507, 542, 553, 557, 742, 901, 922, 1110, 1168 of this title; title 28 section 1334.
363	Sections 303, 361, 507, 541, 542, 552, 553, 557, 1110, 1111, 1129, 1168, 1303, 1304 of this title.
365	Sections 348, 363, 502, 553, 555, 556, 557, 559, 744, 901, 1110, 1123, 1124, 1167, 1168, 1169, 1322 of this title.
501	Sections 502, 506, 726, 727, 901, 925, 944, 1111, 1141 of this title.
502	Sections 101, 346, 501, 503, 506, 507, 509, 510, 522, 544, 553, 723, 727, 901, 944, 1111, 1126, 1141, 1305, 1328 of this title.
503	Sections 346, 348, 361, 364, 365, 504, 507, 557, 726, 901, 1326 of this title; title 26 section 1398.
521	Sections 523, 554, 704, 1106, 1111 of this title.
522	Sections 101, 349, 502, 542, 551, 552, 722, 1123 of this title; title 26 sections 1017, 1398; title 29 section 1405.
541	Sections 101, 365, 522, 524, 726, 728, 1306 of this title; title 28 section 1409.
544	Sections 303, 349, 502, 522, 546, 548, 550, 551, 552, 749, 764, 901, 926 of this title; title 28 section 1409.
547	Sections 109, 303, 349, 362, 502, 522, 546, 548, 550, 551, 552, 749, 764, 901, 926 of this title.

TITLE 11—BANKRUPTCY—Cont.

Section	*Referred to in*
552	Sections 363, 901 of this title; title 26 section 1398.
553	Sections 349, 502, 506, 522, 541, 542, 546, 550, 901 of this title; title 15 section 78eee.
554	Sections 557, 722 of this title.
557	Sections 507, 546, 901 of this title.
701	Sections 303, 322, 348, 557, 703, 15103, 15703 of this title.
702	Sections 322, 546, 557, 701, 703, 705 of this title.
703	Sections 322, 557, 15103, 15703 of this title.
1102	Sections 101, 328, 348, 503, 901, 1103, 15103 of this title.
1104	Sections 303, 322, 546, 557, 1103, 1106, 1161, 15103 of this title.
1302	Sections 322, 326, 546, 557, 1326, 15103, 15326 of this title.
1326	Sections 347, 1302, 1307, 15103 of this title.

TITLE 12—BANKS AND BANKING

Section	*Referred to in*
371c	Sections 504, 601, 1820, 1828, 1841, 1843, 3909 of this title.
531	Title 26 section 134.
635	Sections 635a, 635g, 635i, 635j, 635m of this title; title 22 sections 2184, 2357.
635a	Section 635 of this title.
635a-3	Title 19 section 1671g.
635q	Section 635s of this title.
635r	Sections 635q, 635s of this title.
1141j	Title 5 section 504; title 7 sections 499e, 2302; title 15 section 632; title 26 section 3131; title 28 section 2412; title 29 section 203; title 42 sections 410, 8802; title 49 sections 10526, 10529, 10562.
1422	Sections 248, 461 of this title; title 18 sections 215, 1344.
1701g-5	Sections 1701g-5a, 1701g-5b of this title; title 42 sections 1585, 5317.
1701g-5a	Section 1701g-5b of this title.
1701q	Sections 1701r-1, 1701s, 1701z-11, 1701z-13, 1715*l*, 1715v, 1715z-1, 1715z-15 of this title; title 42 sections 1436b, 1437c, 1437f, 1438, 1439, 3013, 8002, 8008, 8009, 8231.
1701s	Sections 1715*l*, 1715z, 1715z-1a, 1715z-15 of this title; title 42 sections 1436a, 1436b, 1439; title 31 section 1305.
1703	Sections 1706d, 1709, 1713, 1715e, 1715h, 1715k, 1715*l*, 1715t, 1715v, 1715w, 1715y, 1715z, 1715z-5, 1715z-6, 1715z-7, 1717, 1735c 1749aaa, 3602 of this title; title 15 section 78c; title 42 sections 1437f, 1471, 8231.
1709	Sections 1703, 1706c, 1707, 1708, 1710, 1711, 1712, 1713, 1715e,

TITLE 12—BANKS AND BANKING—Cont.

Section	*Referred to in*
1709—Cont.	1715k, 1715*l*, 1715m, 1715q, 1715u, 1715w, 1715x, 1715y, 1715z, 1715z-2, 1715z-3, 1715z-10, 1715z-13, 1715z-14, 1717, 1723h, 1735, 1735b, 1735c, 1748h-1, 1748h-2, 1750b, 2703 of this title; title 15 sections 77d, 78c; title 38 section 1803; title 42 sections 1490a, 1490k.
1710	Sections 1706c, 1709, 1712, 1715e, 1715k, 1715*l*, 1715m, 1715u, 1715x, 1715y, 1715z-3, 1715z-13, 1715z-17, 1715z-18, 1748h-1, 1748h-2, 1750c of this title.
1713	Sections 24, 1454, 146[illegible] 1710, 1715c, 1715e, 1715k, 1715*l*, 1715r, 1715v, 1715w, 1715x, 1715y, 1715z-3, 1715z-6, 1715z-7, 1717, 1731b, 1735, 1743, 1744, 1748b, 1748h-2, 1749aa, 1749hh, 1749aaa-2, 1750g of this title; title 42 sections 1437f, 1437*o*, 1594a, 3535.
1715b	Title 15 sections 77d, 78c.
1715c	Sections 1715e, 1750b of this title; title 42 section 1437*o*.
1715e	Sections 1710, 1715c, 1715n, 1715q, 1715r, 1715y, 1715z, 1715z-6, 1717, 1731b, 1735c of this title; title 42 section 3535.
1715k	Sections 1709, 1713, 1715c, 1715*l*, 1715*o*, 1715q, 1715r, 1715w, 1715z-2, 1715z-5, 1717, 1731b of this title; title 42 section 1437*o*.
1715*l*	Sections 1701s, 1701u, 1701z-4, 1713, 1715c, 1715h, 1715m, 1715n, 1715*o*, 1715r, 1715z, 1715z-1, 1715z-1a, 1715z-2, 1715z-6, 1715z-15, 1717, 1731b, 1735b of this title; title 26 section 1250; title 40 App. section 207; title 42 sections 1452b, 2982c, 8231.
1715m	Section 1715q of this title; title 10 sections 2831, 2833.
1715n	Sections 1715z-3, 1715z-7, 1715z-9, 1735c of this title; title 42 sections 2331, 2362.
1715v	Sections 1701q, 1701s, 1715c, 1715q, 1715r, 1717 of this title; title 42 sections 3013, 3535.
1715w	Section 1715c of this title; title 42 section 3013.
1715y	Sections 1715c, 1715q, 1715r, 1715z, 1715z-14, 1717 of this title; title 42 section 3535.
1715z	Sections 1701w, 1701x, 1715c, 1715h, 1715q, 1715z-2, 1715z-3, 1735b, 1735c of this title; title 31 section 1305; title 42 sections 1436a, 1436b, 1439, 1483, 1490a, 2982c, 3535.
1715z-1	Sections 1701s, 1701u, 1715c, 1715h, 1715r, 1715z, 1715z-1, 1715z-1a, 1715z-2, 1715z-3,

TITLE 12—BANKS AND BANKING—Cont.

Section	*Referred to in*
1715z-1—Cont.	1715z-6, 1715z-9, 1715z-15, 1717, 1735c of this title; title 26 section 1250; title 31 section 1305; title 42 sections 1436a, 1436b, 1439, 1483, 1490c, 2982c, 3535, 8231.
1715z-1a	Sections 1715z-1, 1715z-1b, 1715z-15 of this title.
1715z-5	Section 1464 of this title.
1715z-7	Sections 1715c, 1715n of this title.
1715z-9	Section 1715h of this title; title 42 section 1437f.
1715z-10	Sections 1709, 1715h, 1715z, 1715z-14, 1715z-16, 1715z-17 of this title.
1715z-12	Section 1709 of this title.
1715z-16	Sections 1709, 1715z-10, 1715z-17 of this title.
1715z-17	Sections 1709, 1715z-10, 1715z-16 of this title.
1715z-18	Section 1709 of this title.
1716	Sections 1717, 1719, 1721 of this title; title 42 section 1591a.
1717	Sections 1715z-14, 1717a, 1723a, 1723c of this title; title 20 section 1132d-2; title 26 section 895; title 31 section 3101; title 42 sections 291j-7, 300q-2.
1721	Sections 24, 1455, 1464, 1715z-7, 1716b, 1717, 1722, 1757 of this title.
1730a	Sections 1464, 1725, 1729, 1730, 2902, 3201, 3205 of this title; title 15 section 18a; title 18 section 215.
1735f-4	Title 42 section 1479.
1748h-1	Section 1748h-3 of this title.
1748h-2	Sections 1715c, 1715r, 1748g, 1748h-3 of this title.
1749a	Sections 1701q, 1749bbb-17; title 42 sections 1452b, 3105, 4527; title 49 App. section 1608.
1749cc-1	Sections 1717, 1749bb of this title.
1752	Section 461 of this title; title 18 section 2113; title 26 sections 408, 501.
1775	Section 1773 of this title.
1813	Sections 265, 461, 1730a, 1817, 1823, 1828, 1832, 1842, 1861, 2012, 2072, 2122, 2804, 2902, 3102, 3104, 3902, 3909 of this title; title 11 section 109; title 29 section 1134; title 31 section 5312.
1818	Sections 92a, 375a, 1813, 1820, 1831b, 1831c, 1867, 2804, 2805, 3108, 3507, 3907, 3908, 3909 of this title; title 15 sections 57a, 78*o*-4, 78q-1, 1607, 1681s, 1691c, 1692*l*, 1693*o*.
1841	Sections 72, 375b, 619, 1817, 1818, 1842, 1843, 1971, 3101, 3102 of this title; title 15 section 78c; title 26 sections 304, 1101, 1103.
2002	Section 2271 of this title.
2033	Section 2218 of this title.
2077	Sections 2078, 2214 of this title.
2095	Section 2094 of this title.
2151	Sections 2077, 2132, 2252 of this title.
2153	Sections 2216f, 2244, 2252 of this title.
2154	Sections 2153, 2216f of this title.
2199	Section 2202 of this title.
2202	Section 2201 of this title.
2216f	Sections 2216j, 2216k of this title.
2216i	Section 2216b of this title.
2223	Section 2181 of this title.
2245	Section 2242 of this title.
2250	Sections 2245, 2249, 2251 of this title.
2252	Sections 2205, 2221 of this title.
2254	Section 2252 of this title.
2261	Sections 2154, 2262, 2268 of this title.
2262	Sections 2263, 2268 of this title.
2264	Sections 2265, 2269, 2270 of this title.
2265	Sections 2266, 2269, 2270, 2271 of this title.
2266	Section 2271 of this title.
2267	Sections 2154, 2268 of this title.
2294	Section 2294a of this title; title 42 section 1437q.
2604	Sections 2607, 2613 of this title.
3401	Section 3412 of this title; title 18 section 1030.
3706	Sections 3703, 3708 of this title.
3902	Section 3910 of this title.
3907	Sections 3904, 3912 of this title.
3909	Section 3908 of this title.

TITLE 13—CENSUS

Section	*Referred to in*
42	Title 7 section 2276.
181	Title 42 section 10403.

TITLE 14—COAST GUARD

Section	*Referred to in*
1	Title 46 section 2101.
141	Title 46 section 13109.
295	Section 257 of this title.

TITLE 15—COMMERCE AND TRADE

Section	*Referred to in*
8	Sections 9, 11, 3301 of this title; title 10 section 7430; title 16 section 2602; title 30 section 184; title 33 section 1502; title 40 section 488; title 42 sections 5417, 5909, 6202, 8235f, 9102; title 43 section 1770; title 45 section 791; title 46 App. section 1702; title 49 section 10706; title 50 App. sections 1941a, 2158.

TITLE 15—COMMERCE AND TRADE—Cont.

Section	*Referred to in*
9	Sections 10, 3301 of this title; title 10 section 7430; title 16 section 2602; title 30 section 184; title 33 sections 1331, 1502; title 40 section 488; title 42 sections 5417, 5909, 6202, 8235f, 9102; title 43 section 1770; title 45 section 791; title 46 App. section 1702; title 49 section 10706; title 50 App. sections 1941a, 2158.
12	Sections 34, 1291, 1311, 4002, 4021, 4301 of this title; title 17 section 109; title 19 sections 2033, 2561; title 28 section 1407; title 42 section 8775; title 46 App. section 885; title 49 sections 10706, 10708, 10934, 11110; title 49 App. sections 1301, 1384.
13a	Title 10 section 7430; title 28 section 1407; title 30 section 184; title 42 sections 6202, 8235f; title 49 section 10706.
13b	Title 10 section 7430; title 28 section 1407; title 42 sections 6202, 8235f; title 49 section 10706.
15	Sections 15b, 15c, 16, 35, 36, 4016, 4303, 4304 of this title; title 26 sections 162, 186; title 46 App. section 1706.
15a	Sections 15b, 16, 35, 36 of this title; title 28 section 1407.
15c	Sections 15b, 15d, 15e, 15g, 15h, 16, 35, 36, 4303 of this title; title 28 section 1407.
15g	Sections 15h, 34, 4301 of this title.
18a	Title 11 section 363.
21	Section 21a of this title; title 49 App. section 1553.
21a	Title 10 section 7430; title 42 sections 6202, 8235f; title 49 section 10706.
26	Sections 4016, 4304 of this title; title 46 App. section 1706.
35	Section 34 of this title.
36	Section 34 of this title.
45	Sections 1, 16a, 18a, 52, 53, 56, 57a, 57b, 57b-1, 1456, 1681s, 2006, 2310, 2823, 4002, 4021, 4301 of this title; title 7 section 193; title 17 section 109; title 21 sections 347b, 378; title 39 section 3009; title 42 section 6303.
49	Sections 57b-1, 756 of this title; title 7 sections 222, 610, 2146, 3807; title 21 sections 467d, 677, 1051; title 26 section 5274; title 27 section 202; title 29 sections 177, 209, 521, 1134, 1573, 1862; title 33 sections 907, 944; title 42 section 7255; title 50 App. section 1983.
50	Section 756 of this title; title 7 sections 222, 610, 2146, 3807; title 21 sections 467d, 677, 1051; title 26 section 5274; title 27 section 202; title 29 sections 177, 209, 521, 1134, 1862; title 33 sections 907, 944; title 50 App. 1983.
77c	Sections 77b, 77d, 77*l*, 77q, 77ddd, 80a-3, 80a-24 of this title; title 11 section 101; title 12 sections 1425b, 2290; title 22 sections 283h, 283ii, 285h, 286k-1, 290i-9; title 25 section 646; title 49 section 11367.
77d	Sections 77r-1, 80a-24 of this title; title 12 sections 24, 1464, 1757.
77f	Sections 77b, 78m, 78n, 80a-24 of this title.
78c	Sections 77r-1, 78m, 78*o*-4, 78q, 78w, 78y, 78ccc, 78fff-2, 80b-2, 80b-4 of this title; title 2 section 702; title 7 section 2a, 6c, 12a; title 11 section 101; title 12 sections 24, 1464, 1757, 2290; title 22 sections 283h, 283ii, 285h, 286k-1, 290i-9; title 25 section 646; title 26 section 7609; title 28 App. section 302.
78*l*	Sections 78d-1, 78k-1, 78*l*-1, 78m, 78n, 78*o*, 78p, 78q-1, 78dd-1, 78hh, 78hh-1, 80a-53, 3904 of this title; title 12 sections 1464, 3305; title 16 section 824c; title 26 section 409.
78m	Sections 77nnn, 78*l*, 78n, 78*o*, 78w, 78hh, 80a-8, 80a-29, 80a-54, 80a-63, 773 of this title; title 7 section 12a; title 11 section 1145; title 16 section 824c; title 22 section 2197; title 26 sections 162, 952, 964.
78n	Sections 78*l*, 78*o*, 78hh of this title; title 49 section 11367.
78*o*	Sections 77nnn, 78c, 78*l*, 78m, 78*o*-1, 78*o*-2, 78*o*-4, 78r, 78s, 78u, 78y, 78cc, 78dd-1, 78ff, 78hh, 78hh-1, 78ccc, 78ddd, 78fff-4, 78*lll*, 80a-8, 80a-22, 80a-29, 80a-35, 773 of this title; title 11 section 1145.
78t	Sections 78u, 78kkk of this title.
78y	Sections 78f, 78h, 78s, 78ccc of this title.
78aa	Sections 78s, 78u, 78eee of this title.
78dd-1	Sections 78dd-2, 78ff of this title; title 7 section 12a; title 22 section 2197; title 26 sections 162, 952, 964.
78dd-2	Title 7 section 12a; title 22 section 2197; title 26 sections 162, 952, 964.
78ff	Title 7 section 12a; title 22 section 2197; title 26 sections 162, 952, 964.
80a-2	Sections 77b, 80a-6, 80a-13, 80a-15, 80a-31, 80a-53, 80a-54, 80a-56, 80a-58, 80b-2 of this title; title 12 section 371c; title

TITLE 15—COMMERCE AND TRADE—Cont.

Section	*Referred to in*
80a-2—Cont.	26 sections 72, 265, 368, 401, 1246; title 42 section 8731.
80a-3	Sections 80a-2, 80a-6, 80a-58, 80a-62, 80a-64, 80b-5 of this title; title 26 sections 851, 6049.
261	Sections 260, 260a, 262, 266, 267 of this title.
262	Sections 260, 260a, 261, 266, 267 of this title.
631	Section 636 of this title; title 10 section 2320; title 12 section 635; title 41 section 418a.
632	Section 637 of this title; title 5 section 601; title 10 section 2319; title 12 sections 635, 3013; title 35 section 201; title 41 section 253c.
636	Sections 631, 632, 633, 634, 637, 639, 644, 647, 650 of this title; title 19 section 2344; title 33 section 701n; title 38 section 1652; title 42 section 3142-1.
637	Sections 631, 633, 634d, 636, 644 of this title; title 10 sections 2304, 2319, 2855; title 41 sections 253, 253c; title 42 section 9815.
638	Section 637 of this title; title 10 sections 2302, 2304; title 41 sections 253, 259, 416.
644	Title 10 sections 2302, 2304; title 41 sections 253, 259.
662	Title 12 section 635; title 18 section 215.
694-1	Section 694-2 of this title; title 26 section 103.
714b	Title 7 sections 1516, 1692; title 16 sections 3811, 3821; title 21 section 881a; title 50 section 98c.
714c	Section 713a-14 of this title; title 7 sections 1707a, 1736n; title 16 sections 3811, 3821; title 21 section 881a.
1114	Sections 1116, 1117 of this title.
1116	Sections 1117, 1118 of this title.
1333	Sections 1334, 1336 of this title.
1391	Section 2052 of this title; title 49 App. section 2505.
1516	Title 7 section 2276.
1516a	Title 7 section 2276.
1607	Sections 1640, 1641 of this title; title 20 section 1087-1; title 49 App. section 1553.
1673	Section 1675 of this title; title 42 sections 665, 666.
1681a	Sections 1692d, 1692e of this title; title 18 section 1030; title 26 sections 6103, 7609; title 31 section 3701; title 38 section 3301; title 42 section 666.
1681s	Title 49 App. section 1553.
1691c	Sections 1691e, 1691f of this title; title 49 App. section 1553.
1692*l*	Section 1692m of this title; title 49 App. section 1553.
1693n	Section 1693m of this title; title 18 section 511.

TITLE 15—COMMERCE AND TRADE—Cont.

Section	*Referred to in*
1901	Title 18 sections 511, 513.
2001	Sections 2002, 2004, 2006, 2012, 2021 of this title; title 26 section 4064; title 42 section 6291.
2004	Sections 2002, 2030 of this title.
2021	Section 1901 of this title.
2022	Sections 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2031, 2033 of this title.
2023	Sections 2021, 2022, 2029 of this title.
2025	Sections 2022, 2023 of this title.
2026	Sections 2022, 2027 of this title.
2027	Section 2028 of this title.
2032	Section 2022 of this title.
2605	Sections 2603, 2604, 2606 to 2608, 2611, 2612, 2614, 2616 to 2620, 2623, 2630 of this title; title 42 section 6925.
2625	Title 42 section 4370a.
3313	Sections 3315, 3331, 3332, 3343, 3375, 3413, 3431 of this title; title 26 section 29.
3317	Sections 3315, 3331, 3343, 3373, 3375, 3413, 3431 of this title; title 26 section 29.
3413	Sections 3312, 3313, 3317, 3318 of this title; title 26 sections 29, 613A.
3705	Sections 3703, 3704, 3707, 3708, 3709, 3713 of this title; title 30 section 1805.
4106	Sections 4102, 4103 of this title.
4107	Sections 4106, 4109 of this title.
4108	Sections 4107, 4109 of this title.
4109	Section 4107 of this title.
4204	Section 4271 of this title.
4212	Sections 4213, 4214, 4222, 4272, 4278 of this title.
4222	Section 4223 of this title.
4223	Section 4278 of this title.
4224	Sections 4213, 4225, 4226, 4246 of this title.
4225	Section 4223 of this title.
4241	Section 4242 of this title.
4243	Section 4242 of this title.
4263	Section 4262 of this title.
4271	Sections 4214, 4222 of this title.
4272	Sections 4214, 4222, 4242 of this title.
4277	Sections 4204, 4222, 4242, 4263, 4272 of this title.
4291	Section 4292 of this title.
4303	Section 4305 of this title.
4304	Section 4303 of this title.
4305	Section 4303 of this title.

TITLE 16—CONSERVATION

Section	*Referred to in*
1	Sections 1a-1, 1c, 3, 4, 19ff, 20, 20f, 21b, 45f, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 230e, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342,

TITLE 16—CONSERVATION—Cont.

Section	*Referred to in*
1—Cont.	345, 346a-2, 355a, 391b-1, 396b, 396d, 397d, 398c, 401, 403-3, 403b, 404b, 406d-2, 407a, 407q, 408b, 409e, 410b, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ff-3, 410gg-2, 410hh-2, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430w, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450n, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450jj-5, 450mm-3, 450*oo*-9, 450pp-1, 459a-1, 459b-6, 459c-4, 459d-4, 459h-4, 459i-5, 459j-4, 460, 460a-2, 460m-5, 460m-12, 460m-15, 460s-5, 460w-5, 460x-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 460ff-3, 460ii-2, 460kk, 467b, 698c, 698i, 1133, 1902, 3125 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.
2	Sections 1c, 3, 4, 19ff, 20, 20f, 21b, 45f, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 230e, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 396b, 396d, 397d, 401, 403-3, 403b, 404b, 406d-2, 407a, 408b, 409e, 410b, 410w, 410z-4, 410ee, 410ff-3, 410gg-2, 410hh-2, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450jj-5, 450mm-3, 450*oo*-9, 450pp-1, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 460, 460m-5, 460m-12, 460m-15, 460s-5, 460w-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 460ii-2, 460kk, 467b, 698c, 698i, 1133, 3125 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.
3	Sections 1c, 4, 19ff, 20, 20f, 21b, 22, 45f, 47-1, 61, 63, 79i, 80d, 81g, 81h, 90c, 108, 111c, 112, 119, 158, 159b, 160f, 195, 197, 201b, 205a, 221b, 222, 230e, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 394, 396b, 396d, 397d, 401, 403-3, 403b, 404b, 406d-2, 407a, 408b, 409e, 410b, 410w, 410z-4, 410ee, 410ff-3, 410gg-2, 410hh-2, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450jj-5, 450mm-3, 450*oo*-9, 450pp-1, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 460, 460m-5, 460m-12, 460m-15, 460s-5, 460w-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 460ii-2, 460kk, 467b, 698c, 698i, 1133, 3125 of this title; title 30 section 1014; title 40 sections 303c, 319c, 803, 804; title 48 section 1705.
4	Sections 1c, 3, 19ff, 20, 20f, 21b, 45f, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 230e, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 396b, 396d, 397d, 401, 403-3, 403b, 404b, 406d-2, 407a, 408b, 409e, 410b, 410w, 410z-4, 410ee, 410ff-3, 410gg-2, 410hh-2, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450jj-5, 450mm-3, 450*oo*-9, 450pp-1, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 460, 460m-5, 460m-12, 460m-15, 460s-5, 460w-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 460ii-2, 460kk, 467b, 698c, 698i, 1133, 3125 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.
18b	Sections 18a, 18c, 18d of this title; title 49 App. section 1553.
79	Sections 4, 46, 47, 193, 225, 349, 393 of this title.
79c	Sections 79c-1, 79e, 79f, 79g, 79k, 79m of this title.
396d	Sections 396e, 396f of this title.
450jj	Sections 450jj-1, 450jj-2, 450jj-4, 450jj-5, 450jj-6, 450jj-8, 450jj-9 of this title.
450jj-3	Sections 450jj-4, 450jj-5, 450jj-9 of this title.
450jj-7	Sections 450jj-4, 450jj-6, 450jj-8 of this title.

TITLE 16—CONSERVATION—Cont.

Section	*Referred to in*
450jj-9	Sections 450jj-1, 450jj-2, 450jj-3, 450jj-4, 450jj-5, 450jj-6, 450jj-8 of this title.
460*l*-8	Sections 460*l*-17, 1250 of this title; title 42 section 3338.
460*l*-9	Sections 160k, 429b, 460*l*-10a, 460*l*-17, 460p-2, 460v-7, 460ii-4, 541e, 543a of this title.
460*l*-22	Sections 1c, 410bb-1, 410jj-3, 450jj-4, 460*l*-5a of this title.
460ii	Sections 460ii-1, 460ii-3, 460ii-4 of this title.
460nn	Section 460nn-3 of this title.
461	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 463, 464, 465, 466, 467, 467b, 468, 469, 470a, 1133, 1244, 3206 of this title; title 40 sections 304a-2, 871.
462	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410cc-22, 410cc-32, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 463, 464, 465, 466, 467, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 871.
463	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 464, 465, 466, 467, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 484, 871.
464	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 463, 465, 466, 467, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 871.
465	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 463, 464, 466, 467, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 871.
466	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 463, 464, 465, 467, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 871.
467	Sections 1e, 230e, 281e, 282a, 282b, 396d, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 410ee, 410ii-5, 410jj-4, 410kk-1, 410*ll*, 430m, 450e-1, 450hh-2, 450jj-5, 450pp-1, 459h-4, 462, 463, 464, 465, 466, 467b, 468, 469, 470a, 1133, 1244 of this title; title 40 sections 304a-2, 871.
500	Sections 90d, 253, 460p-2, 472a, 499, 508b, 577g, 577g-1, 580k, 1683 of this title; title 31 section 6903.
543	Sections 543b, 543c, 543e, 543g, 543h of this title.
543b	Section 543a of this title.
543c	Sections 543e, 543f of this title.
543h	Sections 543, 543b, 543c, 543e, 543g of this title.
558a	Sections 558c, 558d, 1246, 1250 of this title.
558b	Sections 558c, 558d, 1246, 1250 of this title.
558c	Sections 558d, 1246, 1250 of this title.
558d	Sections 558c, 1246, 1250 of this title.
590g	Sections 590h, 590h-4, 590i, 590*l*, 590m, 590n, 590*o*, 590p, 1501 of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590h	Sections 590g, 590h-4, 590*l*, 590m, 590n, 590*o*, 590p, 590q-3, 1507, 1508, 3416, 3812, 3842 of this title; title 5 sections 3502, 5307, 5334, 5595, 6312, 8331, 8332, 8701, 8901; title 7 sections 1301, 1314c, 1358a, 1359, 1388, 1391, 1392, 1433a, 1441, 1441-1, 1444, 1444-1, 1444d, 1444e, 1445b-1, 1445b-3, 1446, 1462, 1838, 2272; title 12 section 1150a; title 15 section 714b; title 40 App. section 203.
590i	Sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590j	Sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590k	Sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590*l*	Sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590m	Sections 590g, 590h, 590h-4, 590n, 590p of this title; title 7

TITLE 16—CONSERVATION—Cont.

Section	*Referred to in*
590m—Cont.	sections 1388, 1391, 1392; title 12 section 1150a.
590n	Sections 590g, 590h, 590h-4, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
590*o*	Sections 590h, 590h-4, 590n, 590p of this title; title 7 sections 1292, 1301, 1388, 1391, 1392; title 12 section 1150a.
590p	Sections 590h, 590h-4, 590n, 590q-3, 1501 of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a; title 26 section 126.
590q	Sections 590h, 590h-4, 590n of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.
718	Section 718e of this title.
718b	Sections 718a, 718e of this title.
718c	Section 718e of this title.
718d	Sections 715k-4, 718b, 718e of this title; title 25 section 564w-1.
718f	Section 716e of this title.
718g	Section 718e of this title.
718h	Section 718e of this title.
742c	Sections 742c-1, 742k, 1534, 1824 of this title.
742f	Sections 460*l*-9, 1534, 3705 of this title.
777c	Sections 777g, 2904, 2905 of this title.
831h	Sections 831m, 831n-4 of this title; title 26 section 6402; title 31 sections 3720, 3720A, 9105; title 41 section 612.
831y-1	Title 33 section 2106.
837g	Section 837g-1 of this title.
838k	Sections 838i, 839e of this title; title 2 section 905.
839d	Sections 838k, 839b, 839c, 839e, 839f, 839g of this title; title 26 section 103.
972e	Sections 972f, 972g of this title.
1154	Section 1175 of this title.
1155	Section 1172 of this title.
1161	Section 1166 of this title.
1165	Sections 1166, 1175 of this title.
1166	Section 1165 of this title.
1168	Section 1175 of this title.
1220	Sections 1220a, 1220d of this title.
1220a	Section 1220d of this title.
1220b	Section 1220d of this title.
1220c	Section 1220d of this title.
1246	Sections 1244, 1249 of this title.
1278	Sections 1274, 1276, 1279, 1280 of this title.
1374	Sections 1371, 1372, 1373, 1384 of this title; title 19 section 1466.
1379	Sections 1153, 1362, 1371, 1372 of this title.
1433	Section 1434 of this title.
1434	Sections 1432, 1433, 1435 of this title.
1540	Sections 1536, 1539 of this title; title 42 section 10601.

TITLE 16—CONSERVATION—Cont.

Section	*Referred to in*
1604	Sections 460*oo*, 539d, 542d, 1611 of this title; title 42 section 8855; title 43 section 1752.
1802	Sections 917a, 3377, 3601 of this title; title 22 sections 1971, 1980; title 46 App. section 1271.
1811	Sections 773, 1021, 1802, 1827 of this title; title 46 section 12101.
1825	Section 972c of this title.
1851	Sections 1434, 1802 of this title.
1852	Sections 971b, 1379, 1433, 1802, 2803, 2804, 3602 of this title; title 30 section 1415.
1858	Sections 1824, 1827, 3606, 3637 of this title.
1859	Sections 1824, 3606, 3637 of this title.
1860	Sections 3606, 3637 of this title.
1861	Sections 1821, 1824, 1857, 1859, 1860, 3607, 3637 of this title.
2433	Section 2443 of this title.
2434	Section 2439 of this title.
2435	Sections 2437, 2438, 2439 of this title.
2441	Section 2443 of this title.
2803	Section 2802 of this title.
3102	Section 3141 of this title; title 45 section 1202.
3371	Title 7 section 1997.
3375	Title 42 section 10601.
3503	Sections 3502, 3504, 3510 of this title; title 42 section 4028.
3632	Section 3638 of this title.
3633	Section 3638 of this title.
3635	Sections 3636, 3638 of this title.
3636	Sections 3635, 3638 of this title.
3701	Sections 3703, 3706 of this title.
3702	Section 3704 of this title.
3704	Section 3709 of this title.
3801	Title 7 sections 1985, 1997.
3811	Sections 3812, 3836, 3843 of this title.
3812	Sections 3801, 3811, 3843 of this title.
3821	Sections 3822, 3836 of this title.
3822	Sections 3821, 3823 of this title.
3831	Title 7 sections 1441-1, 1444-1, 1444e, 1445b-3.
3832	Section 3833 of this title.
3833	Section 3831 of this title.
3834	Section 3801 of this title.
3844	Section 3823 of this title.

TITLE 17—COPYRIGHTS

Section	*Referred to in*
501	Sections 109, 111, 115, 116, 411, 510, 602 of this title.
502	Sections 109, 111, 115, 116, 411, 510 of this title.
503	Sections 109, 111, 115, 116, 411, 510 of this title.
504	Sections 109, 111, 115, 116, 405, 411, 412, 510 of this title; title 28 section 1498.

TITLE 17—COPYRIGHTS—Cont.

Section	*Referred to in*
505	Sections 109, 111, 115, 116, 411, 412, 510 of this title.
506	Sections 109, 111, 115, 116, 411, 509 of this title; title 18 section 2319.
509	Sections 109, 111, 115, 116, 411 of this title; title 18 section 2318.
708	Sections 205, 407, 408, 704, 705, 706, 908 of this title.
801	Sections 802, 804, 810 of this title; title 47 section 545.
902	Section 914 of this title.
903	Section 901 of this title.
904	Sections 910, 914 of this title.
905	Sections 906, 910 of this title.
907	Section 913 of this title.
908	Sections 902, 903, 904, 910, 912, 913 of this title.
910	Sections 908, 911, 913 of this title.
911	Section 913 of this title.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

Section	*Referred to in*
1	Sections 3156, 3172, 4251 of this title; title 8 section 1182; title 16 sections 460k-3, 460n-8.
2	Section 1962 of this title; title 21 section 854; title 49 App. section 1473; title 50 section 422.
4	Title 50 section 422.
32	Section 5032 of this title.
81	Section 5032 of this title.
111	Section 115 of this title; title 7 sections 84, 87c; title 16 section 742*l*; title 22 section 2709; title 42 sections 2000e-13, 2283.
112	Sections 11, 878 of this title; title 22 section 2709.
201	Sections 14, 1961, 2516 of this title; title 7 section 84; title 12 sections 1457, 2245.
202	Section 14 of this title; title 12 sections 209, 1457, 2245; title 22 sections 3507, 3508; title 26 section 4946; title 40 App. section 108.
203	Sections 14, 202, 205, 206 of this title; title 5 section 3374; title 12 sections 1457, 2245; title 22 sections 3507, 3508; title 30 section 663; title 38 section 3402; title 40 App. section 108; title 42 sections 1314, 1975d; title 50 section 405; title 50 App. section 463.
205	Sections 14, 202, 206 of this title; title 5 section 3374; title 12 sections 1457, 2245; title 22 sections 3507, 3508; title 25 section 450i; title 30 section 663; title 38 section 3402; title 40 App. section 108; title 41 section 120; title 42 sections 1314, 1975d; title 50 section 405; title 50 App. section 463.
206	Section 202 of this title; title 12 section 2245; title 38 section 3402; title 40 App. section 108.
207	Sections 14, 202 of this title; title 5 section 3374; title 12 sections 1457, 2245; title 22 sections 3310, 3507, 3508, 3622; title 25 section 450i; title 30 section 663; title 38 section 3402; title 40 App. section 108; title 42 sections 1396a, 1975d, 7216, 7218, 8714; title 50 section 405; title 50 App. section 463.
208	Sections 14, 202 of this title; title 2 section 702; title 5 section 3374; title 12 sections 1457, 2245; title 22 sections 3507, 3508, 3622; title 28 App. section 302; title 40 App. section 108; title 42 sections 1396a, 1975d, 7218; title 46 App. section 1717; title 47 section 154.
209	Sections 14, 202 of this title; title 2 section 162; title 5 sections 3102, 3343, 3374, 4111; title 7 section 2220; title 8 section 1353c; title 12 sections 1457, 2245; title 22 sections 3507, 3508; title 30 section 663; title 40 App. section 108; title 42 sections 1314, 1975d; title 45 section 362.
287	Section 14 of this title; title 10 section 2324; title 12 section 1457.
351	Sections 209, 2516 of this title; title 22 section 2709.
401	Sections 3148, 3583 of this title.
474	Section 14 of this title; title 12 section 1457; title 16 section 718e.
504	Title 16 section 718e.
510	Section 3056 of this title.
511	Sections 512, 553, 2320 of this title; title 15 sections 2033, 2034; title 19 section 1627.
512	Title 15 section 2034.
553	Title 15 section 2034; title 19 section 1627.
661	Section 1153 of this title; title 49 App. section 1472.
793	Sections 14, 792, 1717 of this title; title 5 section 8312; title 8 section 1251; title 38 section 3505; title 42 section 2000aa; title 50 App. sections 19, 34, 2410.
794	Sections 14, 792, 798, 1717 of this title; title 5 section 8312; title 8 section 1251; title 38 section 3505; title 42 section 2000aa; title 50 App. sections 19, 34, 2410.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE—Cont.

Section	*Referred to in*
798	Section 14 of this title; title 5 section 8312; title 38 section 3505; title 42 section 2000aa; title 50 App. section 2410.
844	Sections 841, 845, 846, 2516, 5032 of this title.
911	Title 22 section 2709.
921	Sections 845, 925, 1791 of this title.
924	Section 3142 of this title.
970	Title 22 section 2709.
1001	Section 14 of this title; title 7 sections 136h, 511r; title 12 section 1457; title 15 section 3413; title 19 section 2515; title 22 sections 1623, 2709, 3622; title 35 section 25; title 40 section 276c; title 42 sections 1874, 2000b-3, 2000c-6, 3426, 3795a; title 43 sections 1212, 1812; title 49 App. section 1607a.
1028	Title 22 section 2709.
1111	Sections 115, 351, 1114, 1116, 1117, 1751 of this title; title 7 section 2146; title 15 section 1825; title 21 sections 461, 675, 1041; title 42 section 2283; title 49 App. section 1472.
1113	Sections 115, 1116 of this title; title 49 App. section 1472.
1114	Sections 111, 115, 1117, 1201 of this title; title 7 sections 84, 87c, 2146; title 16 section 742*l*; title 21 sections 461, 675; title 42 section 2000e-13.
1151	Section 1164 of this title; title 15 sections 1175, 1243; title 16 sections 3371, 3377; title 25 section 1903; title 42 section 10101.
1162	Title 25 sections 711e, 713f, 714e, 1300b-15, 1300f, 1323, 1747, 1918.
1201	Sections 11, 115, 878, 1202 of this title.
1343	Sections 1961, 2516 of this title; title 7 section 12a; title 15 sections 78*o*, 80b-3; title 47 sections 312, 503.
1461	Section 1961 of this title; title 39 sections 3001, 3011.
1462	Section 1961 of this title.
1463	Section 1961 of this title; title 39 sections 3001, 3011.
1464	Section 1961 of this title; title 47 sections 312, 503.
1465	Section 1961 of this title.
1503	Sections 201, 1961, 2516, 3142 of this title; title 29 section 1111.
1510	Sections 1961, 2516, 3142 of this title; title 29 section 1111.
1512	Sections 1514, 1515, 2516, 3142 of this title.
1513	Sections 1514, 1515, 2516, 3142 of this title.
1541	Section 3291 of this title; title 22 section 2709.
1542	Sections 14, 1717, 3291 of this title; title 22 section 2709.
1543	Sections 14, 1717, 3291 of this title; title 22 section 2709.
1544	Sections 14, 1717, 3291 of this title; title 22 section 2709.
1545	Title 22 section 2709.
1546	Section 14 of this title; title 8 section 1251; title 22 section 2709.
1905	Title 5 section 3374; title 7 section 136h; title 15 sections 330b, 771, 773, 796, 1193, 1335a, 1401, 1418, 1914, 1944, 1990d, 2008, 2029, 2055, 2217, 2613; title 26 section 7213; title 29 section 664; title 30 section 1423; title 33 sections 1318, 1320, 1322, 1369, 1513; title 42 sections 263g, 263i, 300j-4, 2210b, 4912, 5916, 5919, 6274, 6921, 6927, 6991d, 7135, 7413, 7542, 7607, 7621, 8717, 9208, 9310, 9604; title 46 section 4309; title 49 section 11161; title 49 App. sections 1681, 1905, 2010.
1913	Title 5 section 3374; title 29 section 796i; title 42 section 6043.
1952B	Section 1952A of this title.
1961	Section 1952B of this title.
1962	Sections 1963, 1964, 3554 of this title.
1963	Sections 2516, 3554 of this title; title 50 App. section 2410.
2191	Title 46 section 11507.
2251	Sections 2253, 2516 of this title.
2252	Sections 2253, 2516 of this title.
2253	Section 2516 of this title.
2275	Sections 14, 5032 of this title.
2279	Title 46 App. section 163.
2312	Section 1961 of this title.
2313	Section 1961 of this title.
2319	Title 17 sections 109, 506.
2320	Section 1961 of this title; title 15 section 2034.
2516	Section 2518 of this title; title 28 section 594.
3006A	Sections 3162, 4109, 4214, 4247 of this title; title 28 sections 753, 1875; title 48 section 1694c.
3013	Title 42 section 10601.
3041	Sections 3042, 3141, 3152, 3156 of this title; title 16 section 916g; title 26 section 5557.
3056	Sections 879, 1752 of this title; title 5 section 552a; title 12 section 3414; title 22 sections 2709, 4304; title 31 section 1537.
3071	Sections 3072, 3074 of this title.
3073	Section 3077 of this title.
3141	Section 3156 of this title.
3142	Sections 3041, 3042, 3062, 3143, 3144, 3146, 3148, 3156 of this title; title 28 section 636.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE—Cont.

Section	*Referred to in*
3143	Section 3156 of this title.
3144	Section 3156 of this title; title 28 section 1821.
3145	Sections 3154, 3156 of this title.
3146	Section 3156 of this title; title 28 section 994; title 42 section 10601.
3147	Section 3156 of this title; title 28 section 994.
3148	Sections 3149, 3156 of this title.
3149	Section 3156 of this title; title 28 section 1821.
3150	Section 3156 of this title.
3161	Sections 3162, 3163, 3164, 3165, 3166, 3167, 3174 of this title.
3292	Section 3161 of this title.
3521	Section 3522 of this title.
3522	Section 3521 of this title.
3524	Section 3523 of this title.
3551	Sections 3554, 3555, 3556, 3557, 3558 of this title.
3553	Sections 3551, 3552, 3555, 3562, 3563, 3564, 3565, 3572, 3582, 3583, 3584, 3742 of this title; title 28 sections 991, 994, 995.
3554	Section 3551 of this title; title 28 section 994.
3555	Sections 3551, 3553, 3563 of this title; title 28 section 994.
3556	Sections 3551, 3553, 3563, 3612, 5037 of this title; title 28 section 994.
3561	Section 5037 of this title.
3563	Sections 3583, 3742, 5037 of this title; title 28 section 994.
3564	Sections 3562, 5037 of this title; title 28 section 994.
3565	Sections 3562, 3607, 5037 of this title; title 28 section 994.
3572	Section 3612 of this title.
3573	Section 3572 of this title; title 28 section 994.
3581	Sections 3552, 3563, 5037 of this title; title 28 sections 994, 2901.
3582	Title 28 section 994.
3583	Sections 3601, 3663, 4101 of this title; title 28 section 994.
3565	Section 3651 of this title.
3579	Sections 3525, 3580 of this title.
3607	Title 21 section 841.
3612	Section 3663 of this title.
3613	Section 3663 of this title.
3622	Title 28 section 994.
3624	Sections 3603, 3621, 4105, 4106 of this title; title 28 section 994.
3613	Title 42 section 10601.
3663	Section 3556 of this title.
3664	Section 3556 of this title.
3671	Title 42 section 10601.
3731	Sections 3143, 3145 of this title.
3742	Sections 3557, 3562, 3572, 3582, 4106 of this title.
4201	Sections 3522, 4106 of this title.
4202	Sections 3522, 4106 of this title; title 21 sections 845a, 848.
4203	Sections 3522, 4106, 4201, 4204, 4206, 4218 of this title.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE—Cont.

Section	*Referred to in*
4204	Sections 3522, 4106 of this title.
4205	Sections 3522, 4106, 4201, 4208 of this title.
4206	Sections 3522, 4106, 4215, 5041 of this title.
4207	Sections 3522, 4106 of this title.
4208	Sections 3522, 4106 of this title.
4209	Sections 3522, 4106, 4213, 4215 of this title.
4210	Sections 3522, 4106, 4211 of this title.
4211	Sections 3522, 4106, 4210, 4215 of this title.
4212	Sections 3522, 4106 of this title.
4213	Sections 3522, 4106, 4214 of this title.
4214	Sections 3522, 4106, 4203, 4209, 4210, 4211, 4213, 4215 of this title.
4215	Sections 3522, 4106 of this title.
4216	Sections 3401, 3522, 4106 of this title.
4218	Sections 3522, 4106 of this title.
4241	Sections 4246, 4247 of this title.
4242	Section 4247 of this title.
4243	Section 4247 of this title; title 28 section 1826.
4244	Section 4247 of this title.
4245	Section 4247 of this title.
4246	Sections 4241, 4247 of this title.
4247	Sections 3552, 4241, 4242, 4243, 4244, 4245, 4246 of this title.

TITLE 19—CUSTOMS DUTIES

Section	*Referred to in*
1202	Sections 1321, 1337, 2135, 2253, 2431 to 2434, 2437, 2439, 2463, 2481, 2483 of this title; title 7 section 1444; title 10 section 374; title 15 sections 1274, 2066; title 16 section 1606a; title 26 section 9504; title 28 section 7652; title 50 section 98h-4.
1303	Sections 1315, 1337, 1514, 1516a, 1671, 1675, 1677, 1677a, 1677g, 2192, 2194 of this title.
1311	Sections 1352, 2703 of this title; title 18 section 2341; title 26 section 5214.
1322	Title 46 App. section 883.
1337	Sections 1332, 1337a, 1339, 1514, 2251 of this title; title 17 section 910; title 28 section 1295.
1401	Section 1589 of this title; title 10 section 374; title 18 section 553; title 21 section 955b; title 46 App. section 1155.
1401a	Sections 1332, 1351, 1500, 2112, 2481 of this title; title 26 sections 927, 993.
1484a	Section 1202 of this title.
1505	Sections 1315, 1504, 1520, 1557 of this title.

TITLE 19—CUSTOMS DUTIES—Cont.

TITLE 19—CUSTOMS DUTIES—Cont.

Section	*Referred to in*
1514	Sections 1515, 1520, 1557, 1592, 2013 of this title; title 28 sections 2631, 2638.
1515	Section 1514 of this title; title 28 sections 1581, 2631, 2632, 2635, 2636, 2637, 2638, 2639, 2640, 2644.
1516	Section 1514 of this title; title 28 sections 1581, 2631, 2632, 2635, 2636, 2637, 2639, 2640.
1516a	Sections 1514, 1676a of this title; title 28 sections 1581, 2631, 2632, 2635, 2636, 2639, 2640.
1524	Sections 1613b, 1755 of this title.
1592	Sections 1613, 1615, 1621, 1671c, 1673c of this title; title 7 section 511r; title 28 section 1582.
1602	Section 1600 of this title.
1603	Section 1600 of this title.
1604	Section 1600 of this title.
1605	Section 1600 of this title.
1606	Sections 1600, 1614 of this title.
1607	Sections 1600, 1610, 1612 of this title.
1608	Section 1600 of this title.
1609	Section 1600 of this title.
1610	Section 1600 of this title.
1611	Section 1600 of this title.
1612	Sections 1600, 1613b of this title.
1613	Sections 1600, 1609, 1613a, 1613b, 1614 of this title.
1613a	Section 1600 of this title.
1613b	Sections 1600, 1613 of this title.
1614	Section 1600 of this title.
1615	Sections 1600, 2610 of this title.
1616	Section 1600 of this title; title 21 section 881.
1616a	Section 1600 of this title.
1617	Section 1600 of this title.
1618	Sections 1592, 1600, 1641 of this title.
1619	Sections 1600, 1613a, 1613b of this title.
1621	Section 1641 of this title.
1627	Title 15 section 2034.
1641	Section 1484 of this title; title 28 sections 1581, 2631, 2636, 2640, 2643.
1671	Sections 1303, 1337, 1671a, 1671e, 1677 of this title.
1671a	Sections 1516a, 1671b, 1671c of this title.
1671b	Sections 1303, 1516a, 1671c, 1671d, 1671e, 1671f, 1671g, 1673d, 1677 of this title.
1671c	Sections 1303, 1516a, 1675, 1676, 1676a of this title; title 28 section 1582.
1671d	Sections 1303, 1516a, 1671, 1671b, 1671c, 1671e, 1671f, 1675, 1676a, 1677, 1677c of this title.
1671e	Sections 1671b, 1671c, 1671d, 1671f, 1671g, 1676a, 1677 of this title.
1673	Sections 1337, 1673a, 1673d, 1673e, 1673g, 1673i, 1677 of this title.
1673a	Sections 1516a, 1673b, 1673c of this title.
1673b	Sections 1516a, 1673c, 1673d, 1673e, 1673f, 1677 of this title.
1673d	Sections 1516a, 1673, 1673c, 1673e, 1673f, 1675, 1677, 1677c of this title.
1673e	Sections 1673c, 1673d, 1673f, 1677 of this title.
1675	Sections 1516a, 1671b, 1671c, 1673c, 1677e, 1677f-1 of this title.
1676a	Section 1675 of this title.
1677	Sections 1303, 1337, 1514, 1516a, 1671a, 1671b, 1671c, 1673a, 1673b, 1673c, 1677-1, 1677a, 1677b, 1677d, 1677e of this title; title 28 section 2631.
1677-1	Section 1671 of this title.
1677a	Section 1677f-1 of this title.
1677b	Section 1677f-1 of this title.
1677c	Sections 1673e, 1675, 1676a of this title.
1677f	Sections 1516a, 1671b of this title; title 28 section 1581, 2631, 2635, 2636, 2640, 2643.
1862	Sections 1339, 1863, 2137, 2463, 2703 of this title.
1872	Sections 2114c, 2114d, 2171, 2241, 2512, 2553, 2554, 2804 of this title.
2112	Sections 1303, 2113, 2114, 2114a, 2115, 2116, 2117, 2118, 2131, 2136, 2151, 2155, 2191, 2194, 2462, 2503, 2504 of this title.
2114a	Sections 2114e, 2138 of this title.
2133	Sections 2114d, 2151, 2152, 2153, 2154, 2212 of this title.
2155	Sections 2114, 2241, 2412, 2413, 2414, 2512, 2514, 2547 of this title; title 7 section 1736x; title 50 App. section 2405.
2241	Section 2114a of this title.
2251	Sections 1330, 1872, 2252, 2253, 2274, 2354, 2436, 2703 of this title; title 42 section 2210b.
2252	Sections 1330, 1872, 2251, 2253, 2436, 2703 of this title.
2253	Sections 1330, 1872, 1981, 2114d, 2133, 2137, 2192, 2194, 2251, 2252, 2436, 2463, 2581, 2703 of this title.
2273	Sections 2275, 2291, 2355, 2395 of this title; title 28 sections 1581, 2631, 2636, 2640, 2643.
2341	Sections 2342, 2343, 2345, 2346, 2355, 2395 of this title; title 28 sections 1581, 2631, 2636, 2640, 2643.
2411	Sections 2112, 2171, 2241, 2412, 2414, 2416, 2554, 2581 of this title; title 7 sections 1736i, 1736m, 1736s.
2414	Sections 2411, 2413 of this title.
2416	Section 2413 of this title.
2462	Sections 2463, 2464 of this title; title 22 section 2191a; title 26 section 871.

TITLE 19—CUSTOMS DUTIES—Cont.

Section	*Referred to in*
2464	Sections 1202, 2703 of this title.
2465	Title 22 section 2191a.
2503	Sections 1671, 1677, 2414, 2504, 2518, 2571, 2702 of this title.
2701	Section 2703 of this title.
2702	Sections 1202, 2703 of this title; title 26 section 274.
2703	Section 1202 of this title; title 26 section 7652.
2706	Section 2704 of this title.
2803	Sections 2802, 2805 of this title.
2804	Section 2805 of this title.
2805	Sections 2803, 2804 of this title.

TITLE 20—EDUCATION

Section	*Referred to in*
130aa-1	Section 130aa-5 of this title.
130aa-2	Section 130aa-4 of this title.
130aa-3	Section 130aa-4 of this title.
241bb	Sections 241bb-1, 241dd, 1221g of this title.
241ff	Sections 241bb, 241ee of this title.
351a	Sections 351d, 351e, 355b of this title.
351b	Sections 351c, 351e, 352, 353, 354, 355b, 355c, 355e-1, 355e-2, 371, 375 of this title.
351c	Sections 351b, 351d, 351e, 353, 355b, 355e-1, 361, 363, 364 of this title.
351d	Sections 351a, 351e, 352, 353, 354, 355a, 355c, 355e, 355e-2, 355e-3, 3223 of this title.
355e-3	Sections 355e, 355e-2 of this title.
361	Section 362 of this title.
362	Sections 351c, 364 of this title.
363	Sections 351c, 351d, 351e, 361 of this title.
364	Sections 351c, 351d, 351e, 361 of this title.
640	Sections 632, 644, 645, 646 of this title; title 10 section 2008.
954	Sections 952, 959, 960 of this title.
956	Sections 952, 959, 960 of this title.
972	Sections 971, 973 of this title.
1058	Sections 1064, 1067 of this title; title 25 section 1809.
1061	Sections 1064, 1065, 1067 of this title; title 25 section 1809.
1063	Section 1069c of this title.
1064	Sections 1065, 1065a, 1069c of this title.
1065a	Section 1069c of this title; title 25 section 1832.
1069c	Sections 1057, 1060, 1064, 1065a, 1069b of this title.
1070d-34	Section 1070d-35 of this title.
1070d-35	Section 1070d-34 of this title.
1070d-37	Section 1070d-34 of this title.
1070d-39	Section 1070d-35 of this title.
1070d-41	Section 1070d-34 of this title.
1077	Sections 1075, 1078, 1078-2, 1087-2 of this title.

TITLE 20—EDUCATION—Cont.

Section	*Referred to in*
1078	Sections 1071, 1072, 1073, 1075, 1078-1, 1078-2, 1080, 1081, 1082, 1083a, 1084, 1085, 1087, 1087-1, 1087-2, 1094, 1098, 1119d-2, 1232 of this title.
1087-1	Sections 1078, 1098 of this title; title 2 section 906; title 26 section 103; title 42 section 294a.
1088	Sections 1098, 1202 of this title; title 29 section 1503.
1089	Sections 1070a, 1070b, 1070b-1, 1078, 1078-2, 1087dd, 1087hh, 1119d-3, 1232 of this title; title 42 section 2753.
1119d	Sections 1119d-1, 1119d-2 of this title.
1119d-2	Sections 1119d-6, 1119d-7, 1119d-8 of this title.
1119d-3	Section 1119d-2 of this title.
1119d-4	Sections 1119d-2, 1119d-4 of this title.
1119d-5	Section 1119d-2 of this title.
1119d-6	Section 1119d-2 of this title.
1119d-7	Section 1119d-2 of this title.
1119e-1	Section 1119e-2 of this title.
1119e-2	Section 1119e-4 of this title.
1119e-3	Sections 1119e-2, 1119e-4 of this title.
1119e-4	Section 1119e-3 of this title.
1119e-5	Section 1119e-2 of this title.
1132e-1	Title 25 sections 1812, 1813.
1141	Sections 1088, 1098, 2002, 3902, 4206 of this title; title 18 section 207; title 22 sections 4502, 4703; title 25 sections 13, 1801, 1813; title 29 sections 631, 1503; title 30 section 1291; title 33 section 1262; title 39 section 3626; title 42 sections 3791, 9877.
1203	Sections 1204, 1205, 1208b, 1211 of this title.
1204	Sections 1202, 1205, 1208 of this title.
1205	Sections 1203, 1209, 1262, 3223 of this title.
1207a	Section 1211 of this title.
1211	Section 1207a of this title.
1221e	Sections 1207a, 1232, 3246 of this title.
1221e-1	Sections 1119a-1, 1221-3, 1232, 3247 of this title.
1221e-3	Sections 1232g, 3876 of this title.
1226a	Sections 2502, 3611 of this title.
1231c	Section 3876 of this title.
1231d	Section 3876 of this title.
1231g	Section 3876 of this title.
1232	Sections 927, 1078, 1221-3, 1407, 3345, 3474 of this title; title 25 section 2018.
1232a	Section 3921 of this title.
1232c	Sections 2816, 3876 of this title.
1232d	Sections 1205, 1234a, 1234d, 2324, 2832, 3876 of this title.
1232f	Sections 1232d, 1232e of this title.
1233d	Section 3262 of this title.

TITLE 20—EDUCATION—Cont.

Section	*Referred to in*
1233e	Section 3262 of this title.
1233g	Sections 1145, 1209, 1221e-1, 1221g, 1244, 2852, 3262 of this title.
1234b	Sections 1207, 1234, 1234c, 1234d, 2464, 2832, 3876, 4062 of this title.
1234c	Sections 1207, 1234, 1234d, 4062 of this title.
1234d	Sections 1234a, 1234b, 1234c, 3876 of this title.
1411	Sections 1413, 1414, 1419 of this title.
1412	Sections 1400, 1411, 1413, 1414, 1416, 1418, 1419, 1423, 2334 of this title; title 29 section 796d.
1413	Sections 1411, 1412, 1414 to 1416, 1419 of this title.
1414	Sections 1401, 1411, 1412, 1413, 1418, 1420, 2334 of this title; title 29 section 796d.
1418	Sections 1413, 1417, 1421, 1422, 1423, 1426, 1434, 1441 of this title; title 42 section 6022.
1419	Sections 1411, 1423 of this title.
1421	Sections 1418, 1427 of this title.
1422	Sections 1418, 1427 of this title.
1423	Sections 1418, 1427 of this title.
1424a	Section 1427 of this title.
1425	Section 1427 of this title; title 29 section 777a.
1426	Section 1418 of this title.
1431	Section 1435 of this title.
1433	Section 1435 of this title.
1434	Section 1418 of this title.
1441	Section 1418 of this title.
1453	Section 1418 of this title.
2302	Sections 2311, 2312, 2322, 2341, 2441, 2451 of this title.
2311	Sections 2313, 2322, 2331, 2341, 2352, 2361, 2372, 2381, 2392, 2461 of this title.
2312	Section 2341 of this title.
2313	Section 2311 of this title.
2321	Sections 2312, 2331, 2341, 2441, 2462 of this title; title 29 section 1697.
2322	Sections 2302, 2321, 2323, 2372, 2392, 2461, 2462, 2471 of this title.
2323	Sections 2312, 2331, 2322, 2324, 2403 of this title; title 29 section 1532.
2324	Sections 2321, 2362, 2461, 2464 of this title.
2331	Sections 2302, 2321, 2322, 2323, 2333, 2403, 2411, 2462 of this title.
2332	Sections 2323, 2331, 2333 of this title.
2333	Sections 2323, 2334 of this title.
2334	Section 2323 of this title.
2352	Section 2351 of this title.
2392	Section 2393 of this title.
2401	Section 2402 of this title.
2404	Section 2451 of this title.
2422	Sections 2421, 2451 of this title; title 29 sections 1753, 1754.
2423	Section 2421 of this title.

TITLE 20—EDUCATION—Cont.

Section	*Referred to in*
2431	Title 29 sections 1772, 1773.
2451	Sections 2411, 2422 of this title.
2471	Section 3902 of this title; title 19 section 2296; title 29 section 1503.
2711	Sections 1087ee, 2721, 2722, 2734, 2752, 2843, 2853, 3223, 3807, 3966 of this title.
2751	Sections 2721, 2732, 2736, 2737, 2752, 3807 of this title.
2753	Sections 2733, 3805 of this title.
2854	Sections 1070d-32, 3610, 3803, 3902, 4020, 4032, 4101 of this title; title 42 section 9877.
3222	Sections 3232, 3242, 3261 of this title.
3223	Sections 351d, 1205, 1401, 2471 of this title.
3231	Sections 3222, 3242, 3251 of this title.
3242	Section 3222 of this title.
3243	Section 3231 of this title.
3245	Section 3253 of this title.
3251	Sections 3252, 3253 of this title.
3261	Sections 3253, 3262 of this title.
3262	Section 3222 of this title.
3342	Sections 3343, 3344, 3345 of this title.
3381	Sections 1720, 2614 of this title.
3412	Sections 3413, 3414, 3415, 3416, 3417, 3419, 3421, 3473 of this title.
3444	Sections 1221e-1b, 1221e-1c, 3474 of this title.
3472	Sections 3413, 3417 of this title.
3805	Sections 2762, 2772, 2782, 3804, 3806, 3808, 3876 of this title.
3806	Sections 3805, 3971, 4108 of this title.
3807	Sections 2762, 2772, 2782, 3806, 3876 of this title.
3811	Section 3812 of this title.
3814	Sections 3815, 3831, 3841, 3876 of this title.
3816	Sections 3814, 3815, 3831, 3841 of this title.
3832	Section 4060 of this title.
3871	Section 3876 of this title.
3872	Sections 3873, 3876 of this title.
3873	Section 3876 of this title.
3875	Section 4206 of this title.
3912	Section 3916 of this title.
3963	Section 3973 of this title.
3964	Sections 3965, 3972 of this title.
3965	Sections 3966, 3967 of this title.
3966	Sections 3965, 3969, 3970 of this title.
3967	Sections 3965, 3969 of this title.
3968	Sections 3966, 3967, 3969, 3970 of this title.
3969	Section 3973 of this title.
3970	Sections 3966, 3968, 3969 of this title.
3971	Section 3969 of this title.
3972	Sections 3964, 3967, 3973 of this title.
3984	Sections 3982, 3983, 3986 of this title.

TITLE 20—EDUCATION—Cont.

Section	*Referred to in*
3985	Section 3986 of this title.
3986	Section 3985 of this title.
3987	Section 3988 of this title.
4012	Section 4013 of this title.
4013	Section 4014 of this title.
4014	Sections 4012, 4013, 4015, 4016, 4017 of this title.
4015	Section 4014 of this title.
4016	Section 4014 of this title.
4017	Section 4019 of this title.
4021	Section 4014 of this title.
4033	Sections 4036, 4037 of this title.
4034	Section 4036 of this title.
4036	Section 4033 of this title.
4037	Section 4033 of this title.
4053	Section 4057 of this title.
4102	Section 4108 of this title.
4103	Section 4102 of this title.
4105	Sections 4106, 4107 of this title.
4106	Sections 4105, 4107 of this title.
4107	Sections 4106, 4108 of this title.
4202	Section 4203 of this title.
4204	Section 4203 of this title.

TITLE 21—FOOD AND DRUGS

Section	*Referred to in*
321	Sections 346b, 350, 352, 355, 376, 802, 825 of this title; title 7 section 136; title 15 sections 1454, 1456, 1471, 2052, 2602; title 18 sections 842, 922, 1365; title 35 section 156; title 42 section 274e.
353	Sections 333, 360, 825, 829, 885 of this title; title 15 section 1459; title 35 section 156.
355	Sections 331, 333, 334, 353, 357, 360, 360b, 360j, 360aa to 360ee, 374, 381, 811, 827 of this title; title 26 section 28; title 28 section 2201; title 35 sections 155A, 156, 271; title 42 sections 236, 1395y.
357	Sections 331, 352, 360, 360b, 360j, 360aa, 360bb, 360cc, 360ee, 374 of this title; title 35 section 156.
360e	Sections 331, 351, 360, 360c, 360g, 360j, 381 of this title; title 35 section 156.
360bb	Sections 360cc, 360dd, 360ee of this title; title 26 section 28; title 42 section 236.
642	Sections 645, 661, 678 of this title.
672	Sections 159, 679 of this title.
673	Sections 159, 672 of this title.
674	Sections 159, 671, 673, 677 of this title.
675	Section 159 of this title.
802	Sections 822, 881a, 951, 957, 967, 1115 of this title; title 18 sections 1791, 1952, 2118, 3142, 3563, 4251; title 19 sections 1584, 1607; title 28 section 2901; title 29 section 1111; title 42 sections 201, 3411; title 46 sections 7503, 7704; title 49 App. sections 787, 1401, 1429, 1472.
812	Sections 811, 1115 of this title; title 10 section 912a; title 19 sections 2462, 2484, 2702.
822	Sections 827, 828, 880, 958, 965 of this title; title 18 section 2118.
824	Sections 823, 842 of this title.
830	Sections 842, 843 of this title.
841	Sections 830, 845, 845a of this title; title 18 sections 5032, 5038; title 28 section 994.
844	Sections 841, 885 of this title; title 18 section 3607.
845a	Sections 841, 845 of this title.
848	Section 853 of this title.
853	Sections 848, 970 of this title; title 18 section 3554.
881	Sections 824, 842, 853, 955d, 958, 965 of this title.
952	Sections 954, 956, 958, 960 of this title; title 18 sections 5032, 5038; title 28 section 994.
955	Sections 956, 960 of this title; title 18 sections 5032, 5038; title 28 section 994.
955a	Sections 955b, 955c, 955d of this title; title 18 section 3142; title 28 section 994.
959	Section 960 of this title; title 18 sections 5032, 5038; title 28 section 994.
960	Sections 955a, 962 of this title; title 28 section 994.
1177	Section 1178 of this title; title 42 sections 300x-1a, 300x-4.
1203	Section 1202 of this title.

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

Section	*Referred to in*
254a	Section 4304a of this title; title 28 section 1351.
262b	Sections 773j, 3641 of title 16.
283a	Section 283bb of this title.
286b	Sections 282b, 283b, 283i, 283cc, 284b, 286k-1, 290g-2, 290i-3 of this title.
286e-1i	Sections 286b-2, 286y of this title.
286f	Section 286z of this title; title 31 section 5315.
286s	Section 286b-2 of this title.
286z	Section 286b-2 of this title.
286bb	Section 286b-2 of this title.
286cc	Section 286b-2 of this title.
286ff	Section 286b-2 of this title.
290j	Section 290j-1 of this title.
1461	Section 1461-1a of this title.
1463	Section 1465a of this title.
1465	Sections 1465a, 1465d of this title.
1465a	Sections 1465b, 1465d, 1465f of this title.

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE—Cont.

Section	*Referred to in*
1465b	Section 1465f of this title.
1974	Title 16 section 972c.
2151	Sections 2151-1, 2151v, 2162, 2399c, 3502 of this title.
2151-1	Sections 2151f, 2151u, 2151v, 3502 of this title.
2151a	Sections 2151b, 2151d, 2151f, 2151h, 2151p, 2151u, 2220a, 2220d, 2346, 3262 of this title; title 7 sections 1706, 1726, 1727, 1727b.
2151a-1	Sections 2151f, 2220a of this title.
2151b	Sections 2151a, 2151d, 2151f, 2151u, 2346 of this title; title 7 sections 1706, 1727.
2151c	Sections 2151d, 2151f, 2151h, 2151u, 2346 of this title.
2151d	Sections 2151f, 2151u, 2346, 3262 of this title.
2151p	Sections 2191, 2199 of this title.
2151q	Section 2191 of this title.
2191	Sections 2191a, 2194, 2200, 3304 of this title.
2194b	Sections 2195, 2197, 2200 of this title.
2195	Sections 2194, 2196 of this title.
2199	Sections 2197, 2200a of this title.
2271	Section 2272 of this title.
2292	Sections 2151u, 2292a, 2292f, 2292g, 2292h, 2292i, 2292j, 2292*l*, 2292m, 2292n, 2292*o*, 2292p, 2292q of this title.
2311	Sections 2321j, 2394, 2765 of this title.
2348a	Section 2411 of this title.
2354	Section 2151f of this title.
2370	Sections 283*l*, 2151f, 2151v, 2312, 2373, 2878 of this title; title 7 section 1736d; title 12 section 635; title 50 App. section 2304.
2385	Section 2396 of this title; title 37 section 306a.
2392	Sections 2194, 2347c, 2349aa-2, 2403 of this title; title 10 section 2211.
2394	Sections 2151q, 2765 of this title.
2394-1	Sections 2151f, 2194, 2274, 2346c, 2394aa-2, 2371, 2420 of this title.
2403	Sections 2321c, 2349aa-2, 2392, 2794, 2795 of this title.
2420	Sections 2346c, 2349aa-2 of this title.
2422	Title 10 section 2547.
2452	Sections 2453, 2454, 2455, 2456, 2458, 2458a, 2460, 4712 of this title.
2460	Section 4704 of this title.
2501	Section 2510 of this title.
2568	Section 2589 of this title.
2669	Section 2605 of this title.
2708	Title 18 section 3076.
2761	Sections 2311, 2321i, 2751, 2765, 2767, 2775, 2776, 2777, 2791, 2792, 2794, 2795 of this title; title 10 section 2213.

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE—Cont.

Section	*Referred to in*
2767	Sections 2753, 2791 of this title; title 10 section 2407.
2771	Sections 2442, 2764, 3402 of this title.
2778	Sections 2304, 2751, 2753, 2767, 2770, 2776, 2779, 2791, 2794 of this title; title 10 section 2208; title 26 section 5847; title 50 App. sections 2410, 2416.
3008	Section 3007 of this title.
3310	Section 3307 of this title; title 26 section 3121; title 42 section 410.
3646	Sections 3650, 3691 of this title.
3651	Section 3657a of this title.
3652	Sections 3651, 3654, 3657a of this title; title 5 section 5102.
3761	Section 3771 of this title.
3772	Section 3776 of this title.
3792	Sections 3712, 3751, 3793, 3794, 3795 of this title.
3793	Sections 3712, 3721, 3751 of this title.
3905	Sections 3922a, 3929 of this title.
3929	Sections 3929a, 4102 of this title.
3949	Sections 1928, 2506, 2582 of this title; title 5 section 3597.
3963	Sections 287, 287n, 290a, 2021, 2385, 2506, 4066, 4152 of this title; title 5 sections 5301, 5303.
4009	Sections 4007, 4008, 4047, 4060, 4153 of this title; title 5 sections 5595, 8501.
4025	Title 10 section 1605; title 37 section 431.
4045	Sections 4043, 4046, 4055, 4056, 4061, 4062, 4063 of this title.
4048	Sections 4047, 4056 of this title; title 26 section 104.
4053	Section 4047 of this title.
4081	Title 2 section 143a; title 10 section 1605; title 37 section 431.
4083	Title 10 section 1605; title 37 section 431; title 38 section 235.
4301	Sections 4309, 4309a of this title.
4302	Sections 302, 2709, 4307 of this title.
4308	Section 4314 of this title.
4309	Sections 2709, 4302, 4305 of this title.
4403	Section 4402 of this title.
4411	Sections 4412, 4413 of this title.
4503	Section 4502 of this title.
4504	Section 4505 of this title.
4603	Sections 4604, 4609 of this title.
4604	Sections 4606, 4609 of this title.
4704	Sections 4703, 4706, 4708, 4710 of this title.

TITLE 23—HIGHWAYS

Section	*Referred to in*
101	Sections 157, 204 of this title; title 16 section 460*l*-6a; title 49 App. section 101.
103	Sections 101, 104, 115, 118, 119, 120, 122, 124, 129, 139, 157 of this title; title 18 section 1761; title 49 App. sections 1602a, 1603.
104	Sections 101, 115, 116, 118, 119, 120, 126, 129, 130, 131, 136, 137, 139, 140, 141, 142, 146, 150, 152, 154, 157, 158, 204, 217, 307, 309, 311, 321 of this title.
120	Sections 104, 107, 108, 119, 121, 122, 125, 130, 142, 147, 148, 154, 307 of this title; title 42 section 3338.
127	Section 141 of this title; title 49 App. section 2315.
204	Sections 211, 315 of this title; title 41 section 252.

TITLE 24—HOSPITALS AND ASYLUMS

Section	*Referred to in*
165	Sections 165a, 168 of this title.
191	Section 168b of this title.
196	Section 168b of this title.
211	Sections 168b, 211a of this title.
212	Sections 168b, 214 of this title.
225	Sections 225c, 225f of this title.
225b	Sections 225c, 225f, 225g of this title.
225d	Section 225e of this title.
225f	Section 225b of this title.
225g	Section 225b of this title.
324	Sections 168b, 323, 325, 326, 327, 328 of this title.

TITLE 25—INDIANS

Section	*Referred to in*
13	Sections 13-1, 13a, 155b, 861c, 903a, 1809, 1813, 1912, 1933, 2306 of this title; title 40 App. section 214.
47	Sections 47a, 353, 406, 564h, 697, 747, 1633 of this title; title 23 section 204.
81	Sections 81a, 84, 416a of this title; title 18 section 438.
117a	Sections 117b, 117c of this title.
117b	Section 117c of this title.
117c	Section 117b of this title.
162a	Sections 155b, 1724, 1754 of this title.
177	Sections 1724, 1757 of this title.
309	Sections 13e, 309a of this title.
309a	Section 13e of this title.
386a	Section 564*l* of this title; title 43 sections 620c, 1542.
415	Sections 415a, 415b, 415c, 415d, 416a, 1724 of this title.
415a	Sections 415b, 415c, 415d, 416a, 1724 of this title.
415b	Sections 415a, 415c, 415d, 416a, 1724 of this title.

TITLE 25—INDIANS—Cont.

Section	*Referred to in*
415c	Sections 415a, 415b, 415d, 416a, 1724 of this title.
415d	Sections 415a, 415b, 415c, 416a, 1724 of this title.
416	Sections 416, 416a, 416b, 416c, 416d, 416e, 416h, 416i, 416j of this title.
416b	Sections 416, 416a, 416c, 416d, 416e, 416h, 416i, 416j of this title.
416c	Sections 416, 416a, 416b, 416d, 416e, 416h, 416i, 416j of this title.
416d	Sections 416, 416a, 416b, 416c, 416e, 416h, 416i, 416j of this title.
416e	Sections 416, 416a, 416b, 416c, 416d, 416h, 416i, 416j of this title.
416f	Sections 416, 416a, 416b, 416c, 416d, 416e, 416h, 416i, 416j of this title.
416g	Sections 416, 416a, 416b, 416c, 416d, 416e, 416h, 416i, 416j of this title.
416h	Sections 416, 416a, 416b, 416c, 416d, 416e, 416i, 416j of this title.
416i	Sections 416, 416a, 416b, 416c, 416d, 416e, 416h, 416j of this title.
416j	Sections 416, 416a, 416b, 416c, 416d, 416e, 416h, 416i of this title.
443a	Section 1812 of this title.
450b	Title 5 section 3371; title 7 section 2012; title 15 section 632; title 16 section 1002; title 42 sections 300*l*-2, 300w-1, 300x-1a, 300y-3, 3057a, 10408.
450f	Sections 450e-1, 450h, 450j, 450m, 1724 of this title; title 7 section 2020; title 20 sections 2313, 2471; title 29 section 750; title 42 section 2004b.
450g	Sections 450e-1, 450h, 450j, 450m of this title; title 7 section 2020; title 20 sections 2313, 2471; title 42 section 2004b.
450h	Sections 450j, 450m, 2009 of this title; title 7 section 2020; title 20 sections 2313, 2471; title 42 section 2004b.
450i	Title 5 section 8336; title 7 section 2020; title 20 sections 2313, 2471; title 26 section 3121; title 42 sections 410, 9464.
450j	Title 7 section 2020; title 20 sections 2313, 2471.
450k	Sections 450h, 450j of this title; title 7 section 2020; title 20 sections 2313, 2471.
450*l*	Title 7 section 2020; title 20 sections 2313, 2471.
450m	Title 7 section 2020; title 20 sections 2313, 2471.

TITLE 25—INDIANS—Cont.

Section	*Referred to in*
450n	Title 7 section 2020; title 20 sections 2313, 2471.
452	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
453	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
454	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
455	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
456	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
457	Sections 13-1, 13e, 292b, 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 sections 2313, 2471, 3232; title 43 section 1620.
461	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
462	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
463	Sections 324, 396b, 443, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
464	Sections 324, 396b, 443, 463, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
465	Sections 324, 396b, 443, 463, 463b, 464, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108, 2202 of this title; title 43 section 1615.
466	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
467	Sections 324, 396b, 443, 463, 464, 465, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
468	Sections 324, 396b, 443, 463, 464, 465, 467, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
469	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
470	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 671, 674, 676, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
471	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
472	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 472a, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2011, 2108 of this title; title 5 section 8336; title 43 section 1615.
473	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14,

TITLE 25—INDIANS—Cont.

Section	*Referred to in*
473—Cont.	1300f, 1461, 2108 of this title; title 43 section 1615.
474	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
475	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
476	Sections 324, 390, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 711d, 713d, 714d, 723, 725, 728, 758, 762, 765, 903a, 903c, 935, 1300b-14, 1300f, 1461, 1742, 2108 of this title; title 16 section 803; title 43 section 1615.
477	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 713b, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
478	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478a, 478b, 479, 480, 482, 483, 488, 503, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108, 2202 of this title; title 43 section 1615.
479	Sections 324, 396b, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 473a, 474, 475, 475a, 478, 478a, 478b, 480, 482, 483, 488, 503, 504, 507, 711a, 723, 725, 728, 758, 762, 903a, 903c, 935, 1300b-14, 1300f, 1461, 2108 of this title; title 43 section 1615.
640b	Sections 640a, 640c-1, 640c-2, 1832 of this title; title 20 section 3489.
713a	Section 713 of this title.
713b	Section 713a of this title.
713c	Sections 713, 713a, 713e of this title.
713d	Sections 713, 713a, 713c, 713e of this title.
713e	Sections 713, 713a, 713c, 713d of this title.
713f	Sections 713a, 713b of this title.
714b	Sections 714, 714d of this title.
714c	Section 714 of this title.
714d	Sections 714b, 714c of this title.
1301	Title 5 section 8331.
1326	Section 1755 of this title.
1407	Section 117b of this title.
1452	Sections 450e, 1484 of this title; title 12 sections 1228, 1787, 1821; title 31 section 7102; title 40 section 483.
1497	Section 1482 of this title.
1681	Section 1682 of this title.
1725	Sections 13d, 1724, 1727 of this title.
1728	Section 13d of this title.
1751	Section 1752 of this title.
1753	Sections 1754, 1760 of this title.
1754	Section 1753 of this title.
1759	Section 1754 of this title.
1801	Section 1808 of this title.
1805	Sections 1804a, 1810, 1813 of this title.
1806	Sections 1807, 1811 of this title.
1807	Sections 1806, 1810, 1811, 1813, 1832 of this title.
1808	Sections 1805, 1809 of this title.
1810	Section 1811 of this title.
1812	Sections 1810, 1813 of this title.
1813	Section 1810 of this title.
1832	Sections 1833, 1834, 1835 of this title.
1836	Sections 1832, 1835 of this title.
2001	Sections 2003, 2008, 2016 of this title; title 20 section 241bb-1.
2002	Sections 2003, 2008, 2016 of this title.
2005	Sections 2006, 2016 of this title.
2008	Section 2009 of this title.
2009	Section 2016 of this title.
2011	Sections 472a, 2021, 2022 of this title.
2302	Section 2304 of this title.

TITLE 26—INTERNAL REVENUE CODE

Section	*Referred to in*
1	Sections 2, 3, 15, 63, 402, 511, 641, 871, 876, 877, 891, 962, 1301, 1398, 6014, 6361, 6428 of this title.
2	Sections 1, 32, 55, 1302, 1304, 3402, 6012, 6013 of this title; title 38 section 503.
11	Sections 57, 80, 244, 247, 468A, 511, 527, 594, 801, 804, 821, 826, 831, 852, 857, 882, 891, 904, 907, 962, 1201, 1351, 1374, 1375, 1381, 1551, 1561, 4942, 6154, 6425, 6655 of this title.
15	Sections 441, 6013 of this title.
21	Sections 129, 213 of this title.
22	Sections 86, 151, 422A of this title.
23	Sections 48, 55, 1016 of this title; title 12 sections 3604, 3607, 3613.
24	Sections 527, 642, 7871 of this title.
25	Sections 23, 55, 103A, 163, 6708 of this title.

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
26	Sections 23, 25, 28, 29, 30, 38, 39, 55, 163, 168, 901 of this title.
27	Sections 28, 29, 30, 55, 56, 108, 691, 921, 1351 of this title.
28	Sections 29, 30 of this title; title 42 section 236.
29	Sections 30, 280C of this title.
30	Sections 28, 55, 103, 108, 280C, 381, 383, 936, 6411, 6511 of this title.
31	Sections 643, 874, 995, 3406, 6211, 6362, 6413, 6428, 6513, 6654 of this title.
32	Sections 86, 129, 995, 3507, 6201, 6213, 6428 of this title; title 2 section 905; title 42 sections 602, 1382a, 1383.
33	Sections 874, 882, 921, 6211, 6401 of this title.
34	Sections 874, 882, 921, 995, 1366, 1374, 1375, 6201, 6211, 6213, 6362, 6420, 6421, 6427, 9502, 9503 of this title.
38	Sections 29, 39, 40, 41, 46, 47, 48, 51, 52, 55, 56, 58, 108, 167, 168, 179, 185, 196, 280F, 291, 381, 404, 861, 863, 1016, 1274A, 1351 of this title; title 12 sections 3604, 3607, 3613.
39	Sections 40, 47, 48, 196, 383, 404, 6411, 6428, 6511 of this title.
40	Sections 38, 87, 196 of this title.
41	Sections 38, 56, 108, 401, 404, 409, 6699.
46	Sections 38, 41, 47, 48, 52, 58, 111, 124, 168, 179, 196, 275, 280F, 291, 1033, 1388, 6621 of this title.
47	Sections 29, 38, 46, 48, 55, 58, 291, 1371, 1393 of this title.
48	Sections 29, 46, 47, 58, 103, 167, 168, 170, 185, 196, 280F, 312, 409, 861, 1016, 1245, 1274A, 6699 of this title.
51	Sections 30, 38, 52, 196, 280C of this title.
52	Sections 29, 30, 40, 51, 168, 280C, 474, 6053 of this title.
55	Sections 5, 26, 32, 58, 443, 511, 666, 871, 877, 897, 904, 6362 of this title.
56	Sections 12, 26, 58, 168, 443, 936, 1366 of this title.
62	Sections 219, 221, 3402 of this title; title 18 section 3575; title 21 section 849.
63	Sections 2, 3, 161, 170, 211, 1034, 1374, 6012, 6014, 6212, 6362, 6504 of this title.
71	Sections 152, 215, 219 of this title.
72	Sections 22, 26, 55, 79, 101, 122, 402, 403, 406, 407, 408, 414, 415, 457, 691, 817, 1014, 1275, 1302, 1304, 2517, 3405, 4973, 4978, 6050G, 7702 of this title; title 29 sections 1002, 1345; title 45 section 726.

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
78	Sections 814, 902, 906, 908 of this title.
79	Sections 83, 125, 419A, 6052, 7701 of this title.
83	Sections 402, 403, 419, 422A, 457, 1042, 3121 of this title.
85	Section 6050B of this title.
86	Sections 22, 72, 85, 861, 871, 6050F, 6050G, 6103 of this title.
87	Section 55 of this title.
101	Sections 72, 406, 407, 419A, 3405, 7701, 7702 of this title; title 40 section 484.
103	Sections 25, 29, 46, 48, 103A, 163, 168, 269A, 414, 465, 593, 643, 667, 811, 813, 822, 832, 851, 871, 1275, 4701, 4940, 4942, 4988, 6049, 6362, 7478, 7701, 7871 of this title; title 15 sections 77c, 78c; title 16 sections 839f, 2708; title 19 section 2345; title 45 section 1207; title 46 App. section 1177; title 48 sections 1574, 1670.
103A	Sections 25, 103, 128, 7871 of this title.
104	Sections 22, 105, 130, 6051, 7701 of this title; title 10 section 1403.
105	Sections 22, 414, 505, 3401, 7701, 7871 of this title.
108	Sections 118, 703, 1017 of this title.
117	Sections 74, 125, 127, 1441, 3121, 3231, 3306, 3401, 4941, 4945, 7871 of this title; title 42 section 409.
118	Sections 108, 362, 6501 of this title.
119	Sections 280A, 1402, 3121, 3306 of this title; title 42 sections 409, 411.
120	Sections 501, 3121, 3306, 3231, 6039D of this title; title 42 section 409.
124	Section 125 of this title.
125	Sections 79, 414, 6039D of this title.
127	Sections 125, 3121, 3231, 3306, 3401, 6039D of this title; title 42 section 409.
128	Sections 265, 584, 643, 702 of this title.
132	Sections 117, 125, 3121, 3231, 3306, 3401, 4977 of this title; title 42 section 409.
143	Sections 1, 2, 22, 32, 55, 63, 85, 86, 152, 194, 220, 879, 1302, 1304, 1398, 3402, 6012, 6362 of this title; title 38 section 503.
151	Sections 2, 21, 32, 63, 129, 132, 143, 152, 153, 172, 443, 642, 703, 873, 874, 891, 904, 931, 933, 1211, 1402, 2032A, 3402, 6012 of this title.
152	Sections 2, 21, 32, 51, 105, 120, 125, 132, 143, 151, 153, 170,

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
152—Cont.	213, 7701 of this title; title 2 section 707; title 5 section 7342; title 20 section 1232g; title 33 section 909; title 43 section 390bb.
162	Sections 41, 46, 57, 83, 114, 127, 132, 163, 172, 183, 192, 263, 274, 280A, 404, 404A, 419, 421, 463, 465, 542, 543, 545, 556, 691, 707, 832, 911, 952, 964, 995, 1054, 1253, 1396, 1402, 7871 of this title; title 15 section 78kkk; title 29 section 623; title 42 sections 403, 411, 1395y.
163	Sections 55, 103, 165, 195, 216, 312, 465, 467, 483, 691, 703, 805, 832, 871, 881, 911, 1255, 1275, 1287, 1288, 1363, 4701, 7872 of this title.
164	Sections 163, 195, 216, 275, 542, 556, 691, 703, 822, 832, 853, 901, 903, 905, 911, 960, 1001, 1012, 6362, 7871 of this title; title 31 section 6707.
165	Sections 55, 62, 80, 86, 103, 166, 172, 195, 271, 272, 585, 593, 709, 873, 877, 897, 931, 934, 1042, 1212, 1351, 1367, 6405, 6511 of this title.
166	Sections 57, 81, 108, 163, 172, 271, 461, 582, 585, 586, 593, 595, 805, 1351, 1367, 6511 of this title.
167	Sections 46, 47, 48, 57, 62, 132, 163, 168, 169, 172, 174, 175, 182, 184, 189, 216, 305, 312, 381, 404, 453, 542, 543, 545, 556, 611, 616, 617, 642, 804, 817, 818, 822, 832, 1016, 1071, 1082, 1221, 1231, 1239, 1245, 1250, 4940, 7701 of this title; title 33 sections 1316, 1326; title 46 App. section 1177.
168	Sections 46, 47, 48, 57, 167, 280F, 291, 305, 312, 381, 461, 465, 467, 514, 1245, 4162, 6111, 7701 of this title; title 10 section 2401.
170	Sections 21, 30, 55, 63, 79, 101, 103, 108, 117, 127, 151, 152, 162, 381, 410, 467, 501, 507 to 509, 512, 514, 535, 545, 556, 584, 642, 664, 674, 677, 702, 703, 805, 873, 882, 931, 1011, 1255, 1303, 1398, 2039, 2055, 2056, 2503, 2517, 4041, 4221, 4253, 4911, 4940, 4941, 4942, 4944, 4945, 4947, 4948, 4994, 5214, 6033, 6050L, 6659, 7428, 7611, 7871 of this title; title 2 sections 31-1, 439a; title 12 section 3015; title 16 sections 1246, 1285, 3502; title 20 sections 76m, 954; title 22 sections 2876, 3307, 4603; title 29 section 1052; title 42 sections 2996b, 10702.
171	Sections 75, 163, 805, 811, 822, 852, 1016 of this title.

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
172	Sections 55, 56, 170, 186, 246, 381, 481, 512, 527, 528, 535, 537, 545, 556, 584, 613A, 642, 703, 805, 822, 823, 844, 852, 904, 907, 1212, 1242, 1244, 1247, 1314, 1341, 1351, 1374, 1375, 1398, 1402, 6164, 6411 of this title; title 42 section 411; title 49 App. section 1376.
173	Sections 57, 58, 312, 1016 of this title.
174	Sections 30, 57, 58, 103, 168, 170, 195, 263, 993, 1016 of this title.
175	Sections 263, 1252 of this title.
177	Sections 312, 1016 of this title.
179	Sections 48, 168, 263, 280F, 312, 1245 of this title.
182	Sections 263, 1252 of this title.
189	Sections 267, 312 of this title.
196	Section 38 of this title.
212	Sections 41, 62, 127, 163, 164, 183, 263, 265, 274, 404, 404A, 419, 691, 1275, 6421 of this title.
213	Sections 55, 104, 105, 152, 162, 419A, 2503 of this title.
215	Sections 62, 71, 6676 of this title.
216	Sections 23, 103A, 121, 128, 189, 911, 1034 of this title; title 12 sections 1451, 1717.
217	Sections 62, 1001, 1016, 1034, 3121, 3306, 3401, 7872 of this title; title 42 section 409.
219	Sections 62, 72, 86, 408, 415, 3121, 3306, 3401, 4973, 6047, 6652 of this title; title 29 section 1309; title 42 section 409.
221	Sections 62, 85, 86 of this title.
243	Sections 172, 244, 245, 246, 246A, 263, 277, 301, 512, 596, 805, 810, 815, 854, 857, 861, 1059, 1244, 1504, 1564 of this title; title 46 App. section 1177.
244	Sections 172, 243, 246, 246A, 247, 263, 277, 301, 512, 596, 805, 810, 815, 1059, 1244 of this title.
245	Sections 78, 172, 243, 246, 246A, 263, 277, 301, 512, 596, 805, 810, 815, 861, 1059, 1244 of this title.
246	Sections 172, 805, 810, 822, 852, 854, 857, 1059, 1092 of this title.
246A	Section 854 of this title.
248	Sections 170, 312, 535, 545, 556, 822, 852, 857, 1247, 1363, 1374, 1393 of this title.
263	Sections 23, 57, 58, 173, 193, 291, 312, 707, 1092, 1256, 4988 of this title.
265	Sections 163, 643, 852, 861, 1277, 4940, 4942, 6362 of this title.
267	Sections 48, 51, 55, 72, 103, 108, 163, 168, 170, 178, 179, 274, 280A, 280F, 311, 341, 447, 464,

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267—Cont.	483, 503, 514, 613A, 631, 707, 864, 904, 936, 1042, 1235, 1237, 1378, 4946, 4951, 4975, 6166 of this title; title 29 sections 1108, 1384.
269A	Section 465 of this title.
274	Sections 276, 927 of this title.
275	Sections 535, 545, 556, 901, 903, 908, 4971 of this title.
280	Section 48 of this title.
280A	Section 280F of this title.
280F	Section 274 of this title.
280G	Sections 3121, 4999 of this title.
291	Sections 57, 168, 263, 1250, 1277, 1363 of this title.
301	Sections 245, 279, 302, 305, 306, 316, 317, 331, 338, 341, 356, 852, 877, 897, 1023, 1059, 1223, 1368, 1394, 2107, 2501 of this title.
302	Sections 48, 301, 304, 306, 311, 312, 318, 338, 341, 562, 1246, 1248, 1368, 1445 of this title.
311	Sections 301, 312, 336, 386, 995, 1248 of this title.
312	Sections 280F, 301, 964, 1246, 1248 of this title.
316	Sections 245, 301, 331, 562, 565, 959, 6042 of this title; title 46 App. section 1177.
318	Sections 103, 105, 129, 269A, 301, 302, 304, 305, 306, 311, 338, 356, 367, 382, 408, 414, 416, 453, 465, 545, 809, 856, 871, 881, 897, 904, 958, 1042, 1239, 1246, 1372, 2036, 6038 of this title.
332	Sections 58, 168, 334, 336, 337, 341, 367, 368, 381, 453B, 1101, 1245, 1250, 6038B of this title.
333	Sections 334, 337, 338 of this title.
334	Sections 168, 336, 453B, 617, 897, 1276 of this title.
336	Sections 312, 337, 338, 367, 386, 897, 995, 6038B of this title.
337	Sections 338, 341, 346, 386, 453, 453B, 897, 995, 1248 of this title.
338	Sections 168, 269, 318, 617, 1362 of this title.
341	Sections 333, 337, 338, 453B, 467, 1255 of this title.
351	Sections 58, 168, 304, 306, 311, 338, 341, 346, 357, 358, 362, 367, 368, 382, 613A, 683, 721, 724, 735, 995, 1245, 1250, 6038B of this title.
354	Sections 58, 83, 108, 332, 338, 356, 358, 367, 368, 381, 382, 425, 1101, 1276, 1363, 6038B of this title.
355	Sections 58, 83, 108, 306, 312, 338, 346, 355, 356, 358, 367, 368, 425, 815, 877, 995, 1223, 1276, 1363, 2107, 2501, 6038B, 6166 of this title.
356	Sections 58, 83, 108, 306, 312, 338, 354, 355, 358, 367, 368, 425, 453, 1101, 1223, 1276, 1363, 6038B, 6166 of this title.
357	Sections 304, 351, 358, 368, 371, 613A of this title.
358	Sections 304, 351, 372 of this title.
361	Sections 58, 168, 332, 341, 357, 358, 367, 381, 1245, 1250, 6038B of this title.
367	Sections 814, 1492, 1494, 6501 of this title.
368	Sections 108, 247, 249, 279, 306, 312, 337, 351, 354, 355, 357, 381, 382, 402, 512, 542, 995, 1101, 1103, 1244, 1275, 4912, 4920, 4978, 6166, 6901 of this title; title 12 section 1717.
371	Sections 168, 247, 341, 357, 358, 372, 1245, 1250 of this title; title 11 section 346.
374	Sections 47, 168, 250, 341, 354, 357, 358, 370, 372, 617, 1245, 1250 of this title.
381	Sections 47, 48, 166, 168, 172, 250, 382, 394, 463, 545, 807, 809, 810, 832, 904 of this title; title 46 App. section 1177.
401	Sections 30, 62, 72, 83, 101, 104, 105, 120, 124, 125, 127, 129, 172, 219, 221, 318, 382, 402, 403, 404, 404A, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 447, 457, 501, 503, 511, 513, 514, 542, 818, 871, 1042, 1492, 1563, 2039, 2517, 3121, 3306, 3401, 3405, 3508, 4941, 4975, 6033, 6043, 6047, 6058, 6072, 6104, 6324, 7476 of this title; title 11 section 522; title 12 sections 1464, 1728, 1787, 1821; title 15 sections 77c, 78c, 78*l*, 80a-3, 636, 1866; title 19 section 2345; title 29 sections 1053, 1082, 1103, 1107, 1108, 1132, 1301, 1321, 1322, 1344; title 42 section 409; title 45 sections 702, 726.
402	Sections 55, 62, 72, 101, 219, 401, 403, 406, 407, 408, 415, 457, 691, 871, 911, 1441, 3121, 3306, 3405, 4973, 6428, 6652 of this title; title 5 section 8334; title 42 section 409.
403	Sections 72, 101, 104, 219, 401, 402, 404, 406, 407, 408, 412, 414, 415, 457, 818, 871, 911, 1441, 2039, 2517, 3121, 3306, 3401, 3405, 4973, 4975, 6047, 6104, 7476, 7871 of this title; title 11 section 522; title 15 sections 77c, 78c; title 29 sections 1103, 1132, 1344; title 42 section 409.
404	Sections 38, 41, 62, 72, 83, 104, 116, 162, 172, 381, 401, 402, 403, 404A, 406, 407, 413, 414, 415, 419, 465, 542, 556, 679, 2517, 3405, 4941 of this title;

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404—Cont.	title 15 sections 77c, 78c, 78*l*, 80a-3; title 19 sections 2345, 2373; title 29 sections 1103, 1321, 1322, 1385, 1391, 1396.
404A	Sections 419, 679, 6689 of this title.
408	Sections 26, 55, 72, 219, 401, 402, 403, 414, 415, 818, 2517, 4973, 4974, 4975, 6047, 6058, 6104, 6693, 7701 of this title; title 11 section 522; title 12 sections 1464, 1728, 1787, 1821; title 29 sections 1051, 1081, 1103, 1107, 1108; title 42 section 409.
409	Sections 41, 133, 401, 404, 415, 1042, 2210, 4975, 4978, 6699 of this title; title 29 section 1055.
411	Sections 219, 401, 402, 410, 412, 413, 414, 416, 417, 418D, 418E, 4978; title 29 sections 1082, 1202, 1322a, 1343, 1390.
412	Sections 401, 404, 404A, 411, 413, 414, 418, 418B, 418D, 4971, 6059, 6110, 6692 of this title; title 29 sections 1083, 1202, 1301, 1322a, 1342, 1343, 1393, 1421, 1423, 1425.
414	Sections 72, 79, 105, 108, 125, 132, 170, 401, 402, 403, 404, 410, 411, 412, 415, 416, 419A, 505, 818, 2210, 3121, 3306, 3405, 4975, 4977, 6047, 6057, 6058, 6059, 6659, 6692 of this title; title 15 sections 77c, 78c; title 29 sections 1002, 1301, 1321, 1453; title 42 section 409.
415	Sections 41, 219, 401, 403, 404, 408, 409, 414, 416, 419A, 4973 of this title; title 15 section 1866; title 29 sections 1002, 1321; title 45 section 726.
416	Sections 72, 79, 125, 280F, 401, 402, 408, 414, 419A of this title.
417	Sections 401, 414 of this title.
419	Sections 162, 404, 419A, 1239 of this title.
419A	Sections 419, 512, 4976 of this title.
422	Sections 421, 422A, 425, 1042, 6039 of this title.
422A	Sections 57, 421, 425, 1042, 6039 of this title.
423	Sections 421, 424, 425, 1042, 6039 of this title.
424	Sections 421, 422, 422A, 423, 425, 1042, 6039 of this title.
443	Sections 3, 441, 536, 546, 557, 811, 852, 857, 1362, 1398, 6012, 6013 of this title.
453	Sections 381, 453B, 644, 679, 691, 3406, 6158 of this title.
453B	Sections 311, 336, 337, 467, 691, 1255, 1278 of this title.
454	Sections 852, 1037, 1283, 7871 of this title.
457	Section 3121 of this title.
461	Sections 164, 468A of this title.
463	Sections 81, 404, 419, 461 of this title.
464	Sections 278, 461, 465, 1256 of this title.
465	Sections 46, 48, 1256, 6621, 6659 of this title.
466	Section 461 of this title.
481	Sections 404A, 447, 458, 463, 466 of this title; title 42 section 401.
482	Sections 845, 925, 927, 936, 994, 1505 of this title.
483	Sections 1274, 1274A, 1275, 1288, 4942, 7872 of this title.
501	Sections 30, 51, 62, 72, 101, 103, 104, 108, 116, 117, 120, 131, 151, 168, 170, 192, 194A, 219, 246, 267, 274, 318, 382, 401, 402, 403, 404, 408, 410, 411, 412, 414, 415, 419, 419A, 447, 457, 468A, 502, 503, 504, 505, 507, 508, 509, 511, 512, 513, 514, 527, 542, 642, 681, 818, 821, 871, 992, 1504, 1563, 2039, 2055, 2517, 2522, 3121, 3303, 3306, 3401, 4041, 4221, 4251, 4253, 4294, 4421, 4911, 4940, 4941, 4942, 4945, 4947, 4948, 4951, 4952, 4953, 4975, 5214, 6033, 6043, 6047, 6049, 6072, 6104, 6110, 6420, 6421, 6427, 6501, 7428, 7430, 7454, 7609, 7611, 7701, 7802, 9012, 9501 of this title; title 2 section 806; title 5 sections 504, 3102, 4111, 7342; title 7 section 4809; title 12 sections 1843, 3051; title 15 sections 77c, 1291; title 16 sections 284d, 539f, 2708; title 18 sections 207, 209, 1511, 1955; title 20 sections 76m, 1077, 1078, 1087dd, 1681, 4101; title 28 section 2412; title 29 sections 169, 706, 795, 1002, 1051, 1052, 1081, 1082, 1086, 1103, 1321, 1403; title 35 section 201; title 40 sections 483, 484; title 42 sections 300e-9, 300n, 409, 1301, 1397a, 1760, 1784, 2000e, 2996b, 3056, 6371, 6372, 8143, 10702; title 43 section 390ss; title 46 section 2101; title 47 section 396; title 49 App. section 1359; title 50 section 790.
505	Sections 419A, 4976 of this title.
507	Sections 508, 509, 4940, 4946, 4947, 4948, 6104, 6214, 6501, 6503 of this title.
509	Sections 170, 501, 507, 508, 514, 527, 542, 2055, 3121, 4940, 4942, 4945, 4947, 4994, 6033, 6043, 6104, 6111, 7428 of this title; title 42 sections 300*l*-1, 410.
511	Sections 11, 12, 48, 168, 408, 509, 512, 513, 514, 515, 527, 1201, 1245, 1250, 1443, 1563, 2611, 4940, 7611, 7871 of this title; title 47 section 396.

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512	Sections 419A, 502, 509, 511, 513, 514, 664, 681, 878, 851, 1443, 4943, 4940 of this title; title 47 section 396.
513	Sections 103, 168, 414, 509, 512, 514, 527, 1245, 1250, 3121, 4942, 7611 of this title; title 16 section 2708; title 29 section 1002; title 42 section 410.
521	Sections 48, 52, 116, 168, 246, 1245, 1250, 1381, 3306, 4421, 6044 of this title; title 15 section 77c.
528	Sections 23, 6012 of this title.
531	Sections 12, 26, 56, 111, 532, 534, 535, 536, 545, 556, 563, 936 of this title; title 46 App. section 1177.
541	Sections 26, 56, 111, 535, 542, 545, 546, 547, 556, 563, 882, 936, 992, 6683 of this title.
542	Sections 57, 168, 170, 280, 316, 447, 465, 532, 541, 544, 545, 562, 852, 856, 864, 992, 1362, 1504, 6661 of this title; title 43 section 1620.
551	Sections 904, 951, 1016, 6103, 6501 of this title.
552	Sections 171, 280, 312, 465, 532, 542, 551, 553, 554, 555, 562, 1212, 6035, 6103 of this title.
581	Sections 128, 133, 246A, 271, 279, 408, 409, 465, 501, 542, 585, 586, 593, 992, 1256, 1281, 6032, 6323, 6695, 7512, 7609 of this title.
584	Sections 58, 170, 171, 581, 851, 6049 of this title.
585	Sections 57, 166, 172, 291, 368, 582, 593, 856, 1277, 1361 of this title.
591	Sections 116, 243, 465, 593, 861, 6323 of this title.
593	Sections 46, 52, 57, 166, 172, 291, 368, 582, 585, 595, 596, 856, 992, 1038, 1277, 1361 of this title.
594	Section 11 of this title.
611	Sections 57, 62, 163, 167, 174, 291, 613, 613A, 616, 617, 642, 691, 703, 822, 901, 1082, 4940 of this title.
613	Sections 23, 48, 57, 163, 168, 263, 291, 381, 465, 611, 613A, 614, 617, 631, 636, 901, 903, 1082, 4612, 4940, 4988 of this title.
613A	Sections 48, 168, 613, 705, 954, 993, 1367, 4988, 4992, 4994, 4995, 6429, 6430 of this title.
614	Sections 57, 291, 465, 468, 617, 636, 1016, 4992, 6429, 6430 of this title.
616	Sections 57, 58, 263, 291, 312, 381, 1016 of this title.
617	Sections 57, 58, 170, 243, 291, 312, 381, 453B, 703, 751, 1363 of this title.
638	Sections 29, 1441, 4121, 4612, 4996 of this title.

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642	Sections 24, 55, 153, 170, 507, 508, 542, 643, 644, 651, 661, 662, 663, 681, 683, 901, 904, 2055, 2522, 4947, 4948, 6034 of this title.
662	Sections 116, 642, 643, 663, 667, 677, 678, 1202 of this title.
663	Section 643 of this title.
664	Sections 170, 644, 2055, 2056, 2522, 6049 of this title.
671	Sections 170, 678, 1445 of this title.
682	Sections 152, 215, 7701 of this title.
691	Sections 55, 223, 421, 453B, 753, 1014, 1038, 1245, 1250 of this title.
702	Sections 170, 703, 706, 1366, 1402 of this title; title 42 sections 403, 411.
704	Sections 168, 461, 613A, 743, 761, 1366 of this title.
707	Sections 48, 103, 168, 170, 179, 267, 514, 613A, 631, 706, 736, 936, 1235, 1402 of this title, title 42 section 411.
708	Sections 168, 761 of this title.
721	Sections 168, 447, 722, 723, 1245, 1250 of this title.
732	Sections 613A, 731, 733, 734, 1276 of this title.
743	Sections 732, 754, 755, 761 of this title.
751	Sections 467, 617, 724, 731, 732, 735, 736, 741, 1245, 1250, 1255, 6050K of this title.
755	Sections 706, 734, 743 of this title.
801	Sections 11, 80, 243, 542, 815, 841, 891, 1201, 1351, 1503, 1504, 1563 of this title.
803	Sections 807, 953 of this title.
804	Sections 801, 806, 810, 1564 of this title.
805	Sections 805, 807, 810, 812, 815, 817, 818, 953 of this title.
806	Sections 453B, 465, 804, 813, 815 of this title.
807	Sections 803, 805, 809, 812, 813, 817, 818, 832, 1351 of this title.
808	Sections 805, 809, 812, 818 of this title.
809	Sections 807, 808, 812, 813, 817, 1564 of this title.
810	Sections 381, 805, 844, 1351 of this title.
811	Sections 805, 809, 1016, 1272 of this title.
812	Section 810 of this title.
813	Section 4371 of this title.
815	Section 801 of this title.
816	Sections 453B, 465, 594, 807, 811, 813, 817 of this title.
817	Section 7702 of this title.
818	Sections 72, 401 of this title.

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821	Sections 243, 816, 822, 823, 824, 825, 826, 831, 841, 891, 1201, 1504, 1563 of this title.
831	Sections 816, 821, 823, 832, 841, 891, 1201 of this title.
842	Sections 813, 821, 831, 884, 1442 of this title.
844	Sections 805, 823, 825 of this title.
851	Sections 11, 50B, 403, 817, 852, 853, 992, 1092, 1212, 1247 of this title.
856	Sections 108, 291, 318, 857, 1212, 6049 of this title.
861	Sections 79, 105, 410, 505, 638, 818, 862 to 864, 907, 2104, 2105, 4948 of this title.
862	Sections 638, 818, 861, 863, 864 of this title.
863	Section 818 of this title.
864	Sections 871, 881, 884, 954, 956 of this title.
871	Sections 2, 5, 32, 116, 306, 864, 873, 877, 881, 882, 891, 897, 906, 934A, 1235, 1276, 1278, 1441, 1442, 1444, 1445, 2105, 6012, 7701 of this title.
874	Section 1441 of this title.
877	Sections 2, 116, 894, 7701 of this title.
881	Sections 306, 813, 814, 842, 864, 871, 891, 906, 934A, 1276, 1278, 1442, 1444, 1563, 6012, 6154, 7651 of this title.
882	Sections 11, 814, 864, 897, 906, 1442, 1445 of this title.
894	Sections 269B, 643, 813 of this title.
897	Sections 861, 862, 871, 882, 1445, 6039C of this title.
901	Sections 27, 243, 275, 515, 642, 702, 703, 841, 853, 861, 874, 882, 904 to 908, 931, 960, 1247, 1363, 6038, 6511 of this title.
902	Sections 78, 535, 545, 814, 901, 906, 907, 908, 954, 960, 1248, 6038 of this title.
904	Sections 55, 367, 383, 535, 667, 841, 864, 901, 906, 907, 936, 960, 1373, 6038, 6501 of this title.
911	Sections 32, 63, 66, 72, 79, 86, 105, 219, 221, 403, 410, 415, 505, 879, 1034, 1302, 1303, 1304, 1402, 3401, 6012, 6091, 7701 of this title; title 22 section 3310; title 29 section 1322; title 42 section 411.
921	Sections 925, 951 of this title.
922	Section 927 of this title.
923	Sections 245, 275, 291, 901, 904, 906, 921, 927, 951, 1248 of this title.
924	Section 925 of this title.
925	Sections 923, 927 of this title.
927	Sections 245, 901, 922, 923, 951 of this title.
931	Sections 32, 48, 63, 86, 153, 221, 901, 936, 957, 1302, 1402, 1504, 6012, 6091 of this title; title 42 section 411; title 48 section 1421i.
933	Sections 48, 86, 876, 957, 1402, 6091, 7655 of this title; title 42 section 411.
934	Sections 28, 48, 246, 338, 864, 881, 934A, 1442 of this title.
934A	Sections 881, 934, 1442, 1444 of this title.
936	Sections 27, 28, 48, 243, 246, 338, 367, 444, 864, 901, 904, 934, 1361, 1504 of this title.
951	Sections 168, 679, 851, 864, 904, 952, 955, 956, 958, 959, 960, 961, 962, 970, 993, 999, 1246, 1248 of this title.
953	Sections 861, 952, 954, 956, 957, of this title.
954	Sections 552, 864, 881, 936, 952, 955, 958, 970, 971 of this title.
956	Sections 864, 902, 951, 955, 958, 964, 4916 of this title.
957	Sections 312, 864, 881, 901, 936, 951, 958, 970, 971, 1248 of this title.
958	Sections 318, 545, 679, 864, 904, 951, 952, 954, 956, 957, 959, 961, 964, 1246, 1248, 1249, 2107 of this title.
992	Sections 246, 751, 861, 901, 904, 991, 995, 996, 1014, 1504, 6501 of this title.
994	Section 927 of this title.
995	Sections 246, 751, 861, 923, 927, 996, 999, 1014 of this title.
1014	Sections 168, 179, 338, 382, 551, 644, 1001, 1223, 1246, 2032A, 2614 of this title.
1016	Sections 75, 126, 167, 168, 174, 177, 291, 312, 372, 616, 818, 1011, 1015, 1034, 1053, 1250, 6362 of this title; title 43 section 1620.
1031	Sections 83, 168, 425, 453, 454, 1037, 1245, 1250, 2032A of this title.
1033	Sections 48, 121, 168, 337, 381, 453, 1016, 1071, 1223, 1245, 1250, 1351, 2032A, 6212, 6504 of this title; title 25 sections 1716, 1729, 1754.
1034	Sections 23, 25, 55, 57, 121, 280A, 512, 1016, 1038, 1223, 1250, 1274, 6212, 6504, 7872 of this title.
1041	Sections 47, 453B, 1001, 1015, 2210 of this title.
1042	Sections 1016, 1223, 4978 of this title.
1059	Sections 246, 263, 1016 of this title.
1092	Sections 246, 263, 1233, 1234A, 1256, 6621, 6653 of this title.
1201	Sections 12, 57, 527, 594, 691, 801, 821, 831, 852, 857, 882, 904, 1374, 1381, 6154, 6425, 6655 of this title.

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1202	Sections 57, 62, 172, 223, 642, 643, 691, 871, 1402 of this title; title 42 section 411.
1211	Sections 165, 221, 691, 1212, 1222, 1231 of this title.
1212	Sections 108, 165, 170, 246, 381, 383, 481, 514, 535, 613A, 642, 805, 822, 832, 871, 877, 904, 1222, 1247, 1314, 1341, 1351, 1398, 6411 of this title.
1221	Sections 170, 189, 267, 311, 341, 367, 595, 707, 751, 818, 856, 857, 864, 995, 1092, 1223, 1231, 1234, 1248, 1362 of this title.
1222	Section 265 of this title.
1223	Sections 246, 341, 735, 818, 1034, 1233, 1246, 1250 of this title.
1231	Sections 57, 64, 118, 170, 268, 272, 341, 451, 543, 702, 724, 735, 751, 755, 818, 904, 1223, 1366 of this title.
1235	Sections 483, 871, 1274, 1441 of this title.
1239	Section 453 of this title.
1244	Section 1274 of this title.
1245	Sections 48, 57, 108, 163, 167, 168, 169, 170, 291, 305, 341, 453, 453B, 465, 467, 512, 613, 617, 644, 751, 1017, 1250, 1252, 1255, 1276 of this title.
1246	Sections 312, 751, 904, 1223, 1247, 1248 of this title.
1248	Sections 301, 338, 751, 904, 959, 4916 of this title.
1250	Sections 48, 57, 163, 167, 168, 170, 189, 291, 341, 453, 453B, 467, 644, 751, 1017 of this title.
1256	Sections 263, 461, 1092, 1212, 1223, 1234, 1234A, 1281, 1374, 1402 of this title; title 42 section 411.
1271	Sections 263, 1037, 1283, 1286 of this title.
1272	Sections 163, 483, 871, 1271, 1275, 1276, 1278, 1286, 1288, 6049, 7872 of this title.
1273	Sections 103, 103A, 163, 249, 811, 871, 881, 1274, 1275, 1283, 1286, 1288, 1351, 1441, 6049 of this title.
1274	Sections 103, 103A, 249, 280G, 467, 468, 483, 1273, 1274A, 1275, 1288, 7872 of this title.
1274A	Sections 483, 1274 of this title.
1275	Sections 163, 483, 1276, 1283, 1286, 1288, 6706 of this title.
1276	Sections 341, 453B, 1277, 1278 of this title.
1277	Sections 263, 1278, 1282 of this title.
1278	Sections 263, 751 of this title.
1281	Sections 263, 1282, 1283 of this title.
1282	Sections 263, 1283 of this title.
1283	Sections 751, 1281, 1282, 1288 of this title.
1286	Sections 871, 1271 of this title.
1287	Section 165 of this title.

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
1288	Section 163 of this title.
1351	Sections 26, 80, 936, 6167 of this title.
1362	Sections 1042, 1361, 1371, 1374, 1375, 1377, 1378, 1379 of this title.
1366	Sections 108, 1362, 1363, 1367 of this title.
1367	Sections 108, 1016, 1366, 1368 of this title.
1374	Sections 26, 58, 1362, 1366, 1375 of this title.
1375	Sections 26, 1366 of this title.
1377	Sections 1371, 4996 of this title.
1379	Section 4975 of this title; title 29 section 1108.
1381	Sections 46, 52, 168, 1382, 1385, 6044, 6072 of this title; title 12 section 3019.
1382	Sections 925, 1383, 1385, 1388, 6044 of this title.
1401	Section 164 of this title; title 2 section 622; title 42 sections 907, 910, 911, 1395i.
1402	Sections 32, 401, 879, 981, 2032A, 6103, 6362, 6521, 6654 of this title; title 42 sections 401, 402, 411, 430.
1441	Sections 5, 565, 871, 1276, 1278, 1442, 1444, 3402, 6049, 6103, 7701 of this title; title 12 section 3413.
1442	Sections 12, 565, 814, 881, 884, 871, 1276, 1278, 1444, 3402, 7701 of this title.
1461	Section 7701 of this title.
1462	Section 6513 of this title.
1491	Sections 814, 1492, 1494 of this title.
1501	Sections 542, 963, 1092 of this title.
1503	Sections 178, 337, 584, 806 of this title.
1504	Sections 47, 103, 128, 168, 243, 246A, 279, 281, 305, 312, 337, 338, 374, 404, 465, 472, 542, 584, 593, 805, 818, 904, 1092, 1313, 1361, 1391, 1503, 4216, 4282, 7701 of this title.
1561	Sections 535, 1564, 6655 of this title.
1563	Sections 30, 38, 48, 52, 58, 103, 120, 127, 129, 179, 194, 243, 250, 267, 269B, 368, 382, 404, 409, 414, 415, 447, 465, 466, 613A, 806, 861, 863, 927, 936, 993, 1504, 1551, 1561, 1564, 4064, 6038A; title 29 sections 1060, 1107, 1301, 1322.
2001	Sections 691, 1016, 2010, 2011, 2012, 2013, 2014, 2015, 2032A, 2051, 2053, 2054, 2055, 2056, 2101, 2107, 2210, 2502, 2602, 2621, 6018, 6019, 6166 of this title.
2044	Sections 1014, 2053, 2207A, 2523 of this title.

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Section	*Referred to in*
2053	Sections 213, 303, 642, 2011, 2013, 2014, 2032A, 2043, 2106, 2602, 6166 of this title.
2055	Sections 170, 501, 508, 2011, 2012, 2013, 2014, 2032, 2053, 2106, 2522, 2602, 4947, 4948, 7871 of this title; title 12 section 3051; title 20 section 76m; title 22 sections 2876, 3307.
2210	Sections 2002, 6018, 6166 of this title.
2516	Section 2043 of this title.
2522	Sections 501, 508, 1015, 2012, 2503, 2602, 4947, 4948, 7871 of this title; title 12 section 3051; title 16 section 1285; title 22 sections 2876, 3307.
3101	Sections 275, 406, 1402, 3102, 3121, 3306, 3502, 6051, 6053, 6205, 6413, 6521, 6652 of this title; title 2 section 622; title 42 sections 401, 409, 418, 429, 907, 910, 911, 1395i; title 45 section 231e.
3102	Sections 3402, 3505, 3507, 6053 of this title.
3111	Sections 401, 1402, 3112, 3121, 3122, 3125, 3507, 6051, 6205, 6413, 6674, 6690 of this title; title 2 section 622; title 42 sections 401, 401a, 418, 429, 907, 910, 911, 1395i, 1395ww.
3121	Sections 51, 176, 221, 401, 406, 412, 1402, 1563, 3101, 3102, 3111, 3122, 3124, 3125, 3231, 3306, 3401, 3509, 6051, 6053, 6103, 6413, 6652 of this title; title 20 section 125; title 29 sections 1082, 1802; title 42 sections 401, 409, 410, 415, 418, 429, 430; title 45 sections 231b, 231e; title 49 section 3101.
3122	Sections 6205, 6413 of this title; title 42 sections 405, 430.
3201	Sections 72, 275, 1402, 3202, 3231, 3502, 6051, 6053, 6205, 6413, 6652 of this title; title 45 sections 231, 231e, 231f-1, 231n-1.
3202	Sections 3402, 3505, 6053 of this title.
3211	Sections 72, 275, 1402, 3231, 3502, 6051, 6413 of this title; title 45 sections 231, 231e, 231f-1, 231n, 231n-1.
3221	Sections 72, 3211, 3231, 6205, 6413 of this title; title 45 sections 231f-1, 231n, 231n-1.
3231	Sections 1402, 3121, 3201, 3202, 3211, 3212, 3221, 6053, 6413, 6652 of this title; title 42 sections 410, 411.
3301	Sections 3302, 3305, 3306, 3308, 6157 of this title; title 42 sections 1101, 1105.
3302	Sections 3303, 3304, 3305, 3306 of this title; title 42 sections 1101, 1322.
3304	Sections 30, 170, 3302, 3303, 3305, 3309, 3310, 6103 of this title; title 2 section 906; title 19 section 2319; title 42 sections 1103, 1320b-7, 1322.
3305	Sections 3304, 3306 of this title; title 5 section 8501; title 42 section 503.
3306	Sections 51, 3301, 3305, 3309, 3323, 6157 of this title.
3307	Section 3323 of this title.
3308	Section 3323 of this title.
3321	Sections 6157, 6201, 6317, 6601 of this title.
3401	Sections 30, 275, 3402, 3507, 3509, 4999, 6014, 6051, 6053, 6103, 6331, 6362 of this title.
3402	Sections 31, 275, 3401, 3405, 3406, 3505, 3507, 3509, 4999, 6040, 6051, 6205, 6413, 6682, 7205 of this title; title 10 section 1408; title 42 section 662.
3405	Sections 3402, 6047, 6652 of this title; title 5 section 8348.
3406	Sections 31, 643, 6682, 6705, 7205, 7431 of this title.
3507	Sections 32, 6012, 6051, 6302 of this title; title 42 sections 602, 1382a, 1383.
4041	Sections 40, 4082, 4293, 6206, 6416, 6420, 6421, 6427, 9502, 9503 of this title.
4053	Sections 4221, 4222 of this title.
4081	Sections 40, 4041, 4082, 4083, 4101, 4221, 6206, 6412, 6416, 6420, 6421, 6427, 9502, 9503 of this title; title 46 section 13106.
4102	Section 6113 of this title.
4161	Sections 4162, 6302, 9504 of this title; title 16 sections 669b, 777.
4216	Sections 4052, 4162, 4217, 4223, 6416 of this title.
4218	Section 4223 of this title.
4221	Sections 4041, 4222, 4223, 6416, 6421, 6427 of this title; title 15 section 2052.
4222	Sections 4051, 4052 of this title.
4261	Sections 4041, 4263, 4281, 4282, 6415, 7275, 9502 of this title.
4271	Sections 4041, 4281, 4282, 6415, 9502 of this title.
4423	Sections 4405, 4414, 7612 of this title.
4481	Sections 4482, 4483, 6156, 6302, 9503 of this title; title 23 section 141; title 49 section 10530.
4482	Title 49 section 10530.
4701	Sections 165, 1287 of this title.
4911	Sections 501, 6033 of this title; title 7 section 4809.
4940	Sections 30, 4942, 4945, 4948, 6212, 6501, 7802 of this title.
4941	Sections 508, 4946, 4947, 4962, 4963, 6213, 7422, 7454 of this title.
4942	Sections 170, 508, 2055, 4940, 4943, 4948, 4963, 6110, 6213, 6501, 7422, 7428 of this title.

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Section	*Referred to in*
4943	Sections 508, 537, 4946, 4947, 4963, 6213, 7422 of this title.
4944	Sections 508, 4947, 4963, 6213, 7422, 7454 of this title.
4945	Sections 508, 4947, 4963, 6213, 7422, 7454 of this title.
4946	Sections 507, 509, 4940, 4941, 4942, 4943, 4945, 4948, 6033, 7454 of this title.
4947	Sections 508, 2055, 4943, 6033, 6034, 6049 of this title.
4951	Sections 468A, 4953, 4963, 6213, 6503, 7422, 7454 of this title.
4952	Sections 4953, 4963, 6213, 6503, 7422, 7454 of this title.
4961	Section 4963 of this title.
4963	Sections 4942, 6213, 6214, 6503, 7422 of this title.
4971	Sections 413, 4963, 6503 of this title.
4975	Sections 133, 401, 404, 408, 409, 414, 415, 503, 514, 1042, 2210, 4943, 4963, 4978, 6213, 6501, 6503, 6511, 7422 of this title; title 15 sections 632, 1866; title 19 sections 2345, 2373; title 29 sections 1055, 1056, 1132, 1203, 1342, 1403; title 45 section 726.
4978	Section 1042 of this title.
4986	Sections 164, 280D, 4987, 4988, 4990, 4994, 4995, 4997, 6050C, 6076, 6154, 6302, 6429, 6430, 6501, 6511, 6611, 6654, 6655, 7512 of this title.
5001	Sections 5004, 5005, 5007, 5008, 5010, 5061, 5066, 5215, 5273, 5314, 5391, 5512, 7652 of this title.
5002	Sections 5214, 5273, 5291, 5301 of this title; title 23 section 156.
5006	Sections 5007, 5008, 5010, 5061, 6207 of this title.
5051	Sections 5054, 5061, 5671 of this title.
5052	Title 23 section 158.
5061	Sections 5026, 5043, 5054, 5703 of this title.
5101	Sections 5179, 5615 of this title.
5102	Section 5002 of this title.
5181	Sections 5214, 5601, 6103 of this title.
5203	Sections 5505, 5511, 5604 of this title.
5204	Section 5206 of this title.
5206	Sections 5116, 5604 of this title.
5214	Sections 5001, 5002, 5003, 5004, 5005, 5008, 5066, 5173, 5181, 5211, 5244, 5271, 5273, 5275, 5314, 5607 of this title.
5235	Sections 5178, 5212 of this title.
5301	Sections 5206, 5604, 5606 of this title.
5362	Sections 5042, 5043, 5214, 5222 of this title.
5557	Sections 5604, 7612 of this title.
5601	Sections 5101, 5171, 5177, 5178, 5179, 5221, 5222, 5505 of this title.

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Section	*Referred to in*
5604	Section 5206 of this title.
5613	Section 5206 of this title.
5615	Sections 5101, 5177, 5179, 5207, 5221, 5222, 5305, 5505 of this title.
5687	Sections 5101, 5117, 5203, 5505 of this title.
6001	Sections 874, 911, 922, 4403, 6033 of this title.
6012	Sections 882, 911, 6011, 6032, 6034A, 6037, 6039B, 6062, 6072, 6513 of this title; title 38 section 503.
6013	Sections 1, 2, 24, 32, 66, 85, 116, 121, 128, 151, 213, 219, 221, 692, 879, 1244, 1302, 6011, 6012, 6017, 6072, 6401, 6501, 6511, 6653, 7508, 7701 of this title.
6031	Sections 6063, 6072, 6231, 6678, 6698 of this title.
6034A	Section 6678 of this title.
6037	Section 6678 of this title.
6038B	Section 6501 of this title.
6039D	Sections 120, 125, 127, 6652 of this title.
6039D	Sections 120, 125, 127, 6652 of this title.
6041	Sections 3406, 3509, 6051, 6652, 6678 of this title.
6041A	Sections 3406, 3509, 6652, 6678 of this title.
6042	Sections 3406, 6011, 6041, 6652, 6653, 6676, 6678 of this title.
6044	Sections 3406, 6011, 6041, 6652, 6653, 6676, 6678 of this title.
6045	Sections 3406, 6041, 6049, 6652, 6678, 7609 of this title.
6047	Sections 6041, 6652, 6704, 7207 of this title.
6049	Sections 1276, 1278, 3406, 6011, 6041, 6042, 6652, 6653, 6676, 6678 of this title.
6050A	Sections 3406, 6652, 6678 of this title.
6050H	Sections 6652, 6678 of this title.
6050I	Sections 6652, 6678 of this title.
6050J	Sections 6652, 6678 of this title.
6050K	Sections 6652, 6678 of this title.
6050L	Sections 6652, 6678 of this title.
6051	Sections 3121, 3402, 3509, 6040, 6041A, 6053, 6314, 6652, 6674, 6678, 7204 of this title.
6053	Sections 451, 3306, 3102, 3121, 3202, 3231, 3401, 3402, 6001, 6041, 6041A, 6051, 6652, 6674, 6678 of this title; title 42 section 409; title 45 section 231.
6103	Sections 274, 2204, 3406, 4424, 6104, 6108, 7213, 7431, 7602, 7809, 8021 of this title; title 5 section 3111; title 13 section 91; title 28 section 594; title 29 section 1134; title 31 section 713; title 42 sections 432, 1320b-7, 1383; title 50 App. section 2411.

TITLE 26—INTERNAL REVENUE CODE—Cont.

Section	*Referred to in*
6109	Sections 6103, 6676, 6695, 7701 of this title.
6111	Sections 6112, 6707 of this title.
6112	Section 6708 of this title.
6154	Sections 243, 6201, 6601, 6651 of this title.
6166	Sections 303, 2011, 2032A, 2035, 2210, 2621, 6324A, 6503, 6601, 7403 of this title.
6211	Sections 1314, 1481, 6213, 6503, 6601, 6653, 6661, 6662, 6861 of this title.
6212	Sections 1033, 1039, 1311, 2513, 4941, 4942, 4943, 4945, 4951, 4952, 4963, 4975, 4995, 6013, 6040, 6155, 6213, 6503, 6512, 6851, 6861, 6901, 7421, 7463 of this title; title 29 section 1342.
6213	Sections 303, 2011, 2014, 4942, 4961, 4963, 6013, 6155, 6201, 6204, 6212, 6230, 6501, 6512, 6601, 6651, 6861, 6863, 6871, 7404, 7421 of this title.
6232	Sections 6501, 6511 of this title.
6323	Sections 6324, 6324A, 6325, 6332 of this title; title 11 section 724; title 18 sections 3565, 3613; title 30 section 934.
6325	Sections 7103, 7426 of this title; title 18 section 3613.
6331	Sections 6332, 6335, 6851, 6861, 6862, 7206 of this title; title 18 section 3613.
6332	Sections 6323, 6342 of this title; title 18 section 3613; title 29 section 1368; title 30 section 934.
6334	Sections 6305, 6323, 6331 of this title; title 18 sections 3565, 3613.
6335	Sections 6331, 6337, 6338, 6339, 6340, 6343, 6502, 7426 of this title; title 18 section 3613.
6336	Sections 6335, 6863, 7103 of this title; title 18 section 3613.
6337	Section 6338 of this title; title 18 section 3613.
6338	Section 6339 of this title; title 18 section 3613.
6339	Title 18 section 3613.
6340	Section 6337 of this title; title 18 section 3613.
6341	Title 18 section 3613.
6342	Section 6207 of this title; title 18 section 3613.
6343	Sections 6502, 6503, 6532 of this title; title 18 section 3613.
6401	Sections 35, 6514 of this title.
6402	Sections 6103, 6403, 6513, 6861 of this title; title 42 section 664.
6411	Sections 6040, 6164, 6213, 6405, 6501, 6511, 6515, 6611 of this title.
6413	Sections 21, 31, 3121, 6612, 6653 of this title; title 10 section 1451; title 42 sections 401, 1395i.
6416	Sections 4216, 4227, 6421, 6612, 7851 of this title.
6420	Sections 34, 48, 103, 451, 1274, 4041, 4084, 6206, 6416, 6421, 6427, 6504, 6511, 6612, 6675, 7210, 7603, 7604, 7605, 7609, 7610, 9502, 9503 of this title.
6421	Sections 34, 4041, 4084, 4483, 6206, 6427, 6504, 6511, 6612, 6675, 7210, 7603, 7604, 7605, 7609, 7610, 9502, 9503 of this title; title 16 section 460*l*-11.
6427	Sections 34, 4081, 6206, 6504, 6675, 7210, 7603, 7604, 7605, 7609, 7610, 9502, 9503 of this title.
6501	Sections 250, 302, 303, 547, 551, 815, 860, 982, 1033, 1039, 1102, 2016, 2053, 2204, 5006, 5703, 6013, 6503, 6511, 6229, 7609 of this title.
6503	Sections 1505, 6158, 6166, 6167, 6873 of this title; title 18 section 3613.
6511	Sections 815, 2011, 2014, 6013, 6501, 6512, 6513, 6601, 6611, 6901 of this title.
6601	Sections 815, 860, 936, 995, 1016, 1397, 2210, 5684, 6166, 6167, 6504, 6621, 6653, 7404 of this title; title 29 section 1307; title 46 App. section 1177.
6611	Sections 815, 1397, 6411, 6601 of this title.
6621	Sections 47, 48, 167, 644, 852, 4497, 6214, 6332, 6343, 6601, 6602, 6611, 6654, 6655, 7426 of this title; title 15 sections 1116, 1117; title 19 sections 1592, 1677g; title 28 sections 1961, 2411, 2644; title 29 section 1132; title 30 section 934, 1721.
6651	Sections 3121, 4998, 5684, 5761, 6013, 6601, 6653, 6658, 6662 of this title; title 30 section 932; title 46 App. section 1177.
6654	Sections 6201, 6601, 6622, 6651, 6658, 6662, 7203 of this title; title 42 section 430.
6655	Sections 243, 338, 809, 6154, 6425, 6622, 6658, 6662, 7203 of this title.
6659	Sections 6601, 6621, 6661 of this title.
6660	Section 6601 of this title.
6661	Sections 461, 1274, 6013, 6601 of this title.
6662	Sections 5134, 5684, 5761 of this title.
6676	Section 7205 of this title.
6699	Section 409 of this title.
6700	Sections 6703, 7408, 7422 of this title; title 28 section 1509.
6701	Sections 6703, 7408, 7422 of this title; title 28 section 1509; title 31 section 330.
6706	Section 1275 of this title.
6851	Sections 6211, 6231, 6863, 6867, 7429, 7508, 7611 of this title;

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Section	*Referred to in*
6851—Cont.	title 5 section 5568; title 37 section 558.
6861	Sections 534, 6152, 6212, 6213, 6231, 6863, 6867, 7429, 7611 of this title; title 5 section 5568; title 37 section 558.
6901	Section 6040 of this title; title 18 section 3613.
7205	Section 3406 of this title.
7208	Section 7303 of this title.
7302	Sections 5117, 5686, 5763, 7324, 7612 of this title.
7402	Sections 7407, 7408, 7604 of this title; title 18 section 3613.
7403	Title 18 section 3613.
7424	Title 18 section 3613; title 28 section 2409a.
7425	Section 7810 of this title; title 18 section 3613; title 28 section 2409a.
7426	Sections 6503, 6532, 7421 of this title; title 18 section 3613; title 28 sections 1346, 2409a.
7428	Sections 7451, 7459, 7482, 7611 of this title; title 28 sections 1346, 1507, 2201.
7430	Section 7611 of this title; title 28 section 2412.
7431	Section 3406 of this title; title 5 section 3111.
7503	Section 7851 of this title.
7505	Title 18 section 3613.
7506	Section 7809 of this title; title 18 section 3613.
7508	Sections 6504, 6533, 6901 of this title; title 18 section 3613.
7608	Sections 5558, 5604 of this title.
7609	Section 7611 of this title.
7611	Section 7605 of this title.
7652	Sections 4612, 4662, 5001, 5008, 5010, 5061, 5314, 5702, 5703, 5705, 7809 of this title; title 48 sections 1574a, 1574b, 1574c, 1644.
7701	Sections 48, 55, 118, 172, 221, 246A, 312, 542, 593, 682, 853, 881, 904, 958, 993, 1246, 1247, 1249, 1313, 1341, 3405, 6038, 6038A, 6046, 6059, 6694, 7213 of this title; title 12 sections 1464, 1730a; title 18 section 3613; title 22 sections 2314, 2755.
7702	Section 817 of this title.
7805	Title 18 section 3613.
7852	Section 269B of this title; title 42 section 1307.
7871	Sections 24, 103, 164, 170, 2055, 2106, 2522, 4227, 4484, 6420, 6421, 6427, 7701 of this title.
9502	Section 9503 of this title; title 49 App. section 2202.
9503	Section 9504 of this title; title 46 section 13106.
9504	Title 16 section 777b.
9602	Sections 9502, 9503, 9504 of this title.

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

Section	*Referred to in*
152	Sections 158, 372 of this title; title 5 section 8331.
157	Section 158 of this title.
158	Section 157 of this title.
294	Section 46 of this title; title 26 section 3121; title 42 section 409.
371	Sections 294, 372, 376 of this title; title 5 sections 8701, 8714a, 8714b; title 26 section 3121; title 42 section 409.
372	Sections 294, 331, 376, 604 of this title; title 5 section 8701.
453	Sections 153, 460, 631 of this title.
460	Title 9 section 203; title 16 sections 1540, 3375, title 20 section 2901-7; title 22 sections 283gg, 285f, 290g-6, 1650a; title 33 section 1479.
461	Sections 5, 44, 135, 153, 172, 213, 252, 634, 792 of this title; title 26 section 7456.
516	Title 19 section 2350; title 38 sections 1850, 3116; title 42 section 1785.
518	Title 5 sections 1205, 7105; title 12 section 2244; title 29 sections 663, 792, 1132, 1852; title 30 section 822; title 42 section 7171.
519	Title 7 section 943; title 19 section 1920; title 38 sections 1830, 3116; title 42 section 8412.
524	Title 21 section 881.
636	Section 633 of this title; title 7 section 2149; title 19 section 1915; title 46 sections 4311, 12309.
991	Section 994 of this title.
994	Sections 995, 998 of this title; title 18 sections 3143, 3552, 3553, 3582, 3583, 3621, 3622, 3742, 4106, 4108, 5037.
995	Section 998 of this title.
1254	Section 2350 of this title; title 2 section 437g; title 5 section 1508, 7123; title 7 sections 136n, 194; title 12 sections 1464, 1730, 1730a, 1786, 1818, 2266; title 15 sections 21, 29, 45, 57a, 77i, 78aa, 79x, 79y, 80a-42, 80a-43, 80b-13, 687a, 687e, 717r, 1193, 1262, 1394, 1474, 1710, 1719, 1913, 2003, 2004, 2008, 2060, 2618, 3416; title 16 sections 79*l*, 825*l*, 825p; title 20 sections 351d, 1070c-3, 1119d-8, 1234d, 1413, 1416, 2464, 2740, 2851, 3806, 3862, 3873; title 21 sections 346a, 348, 355, 360g, 371; title 22 section 1631e, 2740, 2851, 3086; title 23 section 131; title 26 sections 3310, 6363, 7482; title

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE—Cont.

Section	*Referred to in*
1254—Cont.	27 section 204; title 29 sections 160, 210, 660, 667, 1578; title 30 section 816; title 31 section 6722; title 33 sections 505, 520, 988; title 38 section 784; title 40 section 333; title 42 sections 263a, 263f, 291h, 504, 1316, 1320a-7a, 2022, 2689*l*, 3027, 3414, 3785, 5311, 5405, 6029, 6306, 6869, 8412; title 45 section 153; title 47 section 402; title 49 App. sections 45, 1486, 1674b, 1675, 2005, 2507.
1259	Title 10 section 867.
1291	Section 1295 of this title; title 15 sections 29, 57b-1, 78aa, 79y, 80a-43, 80b-14, 1314, 1719; title 16 section 825p; title 18 section 3145; title 22 section 1631e; title 42 sections 2000e-5, 3414; title 45 section 153; title 49 App. section 45; title 50 App. section 17.
1331	Title 15 section 2064; title 25 section 416a; title 42 section 405.
1332	Sections 1335, 1603 of this title; title 48 sections 1424, 1612, 1694a.
1334	Sections 156, 157, 1408, 1452 of this title.
1338	Section 1295 of this title; title 17 section 912.
1341	Title 45 section 546b; title 49 sections 11503, 11503a.
1346	Sections 995, 1295, 1402, 2402, 2409a, 2671, 2676, 2677, 2678, 2679, 2680 of this title; title 2 section 190g; title 5 sections 3373, 3374; title 10 section 1089; title 22 sections 2702, 3761, 4606; title 25 section 640d-17; title 26 section 7422; title 29 section 938; title 38 sections 351, 4116; title 41 sections 113, 602; title 42 sections 233, 405, 2212, 2221, 2223, 2458a, 4654, 5055, 8768, 8771; title 43 section 1737; title 46 App. section 1242; title 47 section 606; title 49 App. section 1540; title 50 App. sections 9, 2410.
1360	Title 25 sections 711e, 713f, 714e, 1300b-15, 1300f, 1323, 1747, 1918.
1395	Title 21 section 881; title 26 section 7409.
1400	Title 17 section 912.
1410	Section 1408 of this title.
1446	Section 1441 of this title; title 22 sections 283gg, 290i-7; title 25 sections 487, 610c, 642, 670.
1491	Section 2409a of this title; title 12 section 216b; title 41 sections 114, 602; title 42 section 4654; title 45 section 1018; title 46 App. section 1242; title 47 section 606.

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE—Cont.

Section	*Referred to in*
1498	Title 17 sections 502, 912; title 19 section 1337; title 22 section 2356; title 35 section 183; title 42 section 2457.
1746	Title 8 section 1357; title 10 section 931; title 18 sections 152, 1546, 1621, 1623; title 25 section 399.
1826	Section 1657 of this title.
1915	Section 1930 of this title; title 10 section 867; title 18 section 3006A.
1961	Section 2412 of this title; title 15 section 4303; title 26 section 6622.
1962	Title 18 sections 3565, 3613.
2072	Section 2112 of this title; title 26 section 7482; title 29 section 160.
2112	Section 2346 of this title; title 5 section 7123; title 7 sections 8, 9, 136n, 194, 1115, 1600, 1601; title 12 sections 93, 504, 505, 1464, 1730, 1730a, 1786, 1818, 1828, 1848, 1972, 2266, 2268; title 15 sections 21, 45, 57a, 78y, 79x, 80a-42, 80b-13, 687e, 717r, 1193, 1262, 1394, 1474, 1710, 1825, 1913, 2008, 2060, 2618, 3416; title 16 sections 773f, 825*l*, 1030, 1536, 1858, 2437, 3142, 3373; title 19 section 81r; title 20 sections 351d, 1234d, 1413, 1416, 2464, 2740, 2851, 3806, 3862, 3873; title 21 sections 346a, 348, 355, 360g, 371; title 22 section 1631f; title 26 sections 3310, 6363; title 27 section 204; title 29 sections 160, 210, 660, 667, 721, 1578; title 30 sections 816, 1462; title 31 section 1263; title 33 section 921; title 39 section 3628; title 40 section 333; title 42 sections 263a, 263f, 291h, 504, 1316, 1320a-7a, 2022, 3027, 3785, 5311, 5405, 6029, 6306, 6869, 7525, 8412, 9152; title 43 sections 355, 1349; title 46 App. section 1181; title 47 section 402; title 49 App. sections 1486, 1674b.
2201	Title 7 section 623; title 8 sections 1105a, 1503; title 21 section 355.
2284	Title 2 section 922; title 26 sections 9010, 9011; title 42 sections 1973b, 1973c, 1973h, 1973aa-2, 1973bb.
2401	Section 2671 of this title; title 41 section 113; title 42 section 2212; title 45 section 1203; title 49 App. section 1540.
2402	Title 41 section 113; title 42 section 2212.

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE—Cont.

Section	*Referred to in*
2412	Title 5 section 504; title 10 section 2321; title 15 section 2060; title 41 section 253d.
2414	Section 2412 of this title; title 16 sections 79g, 460bb-2; title 31 section 1304; title 42 section 418.
2464	Title 16 sections 916g, 958, 959, 971f, 972g.
2517	Section 2412 of this title; title 16 section 460bb-2; title 25 section 640d-27; title 31 section 1304.
2632	Title 19 section 1520.
2635	Title 19 section 1641.
2672	Sections 2678, 2679 of this title; title 10 sections 1089, 2733; title 15 section 2081; title 21 section 904; title 22 sections 1474, 2669, 2702; title 29 section 1706; title 31 section 1304; title 32 section 715; title 38 sections 236, 351, 4116; title 39 section 2603; title 42 sections 233, 2212, 2458a, 5055.

TITLE 29—LABOR

Section	*Referred to in*
49b	Section 49a of this title; title 7 section 2022; title 39 section 3202; title 42 section 603a.
207	Sections 203, 211, 213 to 216, 216b, 218 of this title; title 5 sections 6123, 6128; title 41 sections 35, 355.
713	Sections 795g, 796e of this title.
721	Sections 705, 706, 709, 720, 722, 730, 731, 741, 751, 762, 771, 772, 776, 777b, 777e, 795, 796d of this title; title 20 section 107a.
730	Sections 720, 731, 750 of this title.
732	Sections 720, 722 of this title.
776	Sections 721, 762, 771, 773, 775, 777a, 777b, 777f of this title.
777	Section 762 of this title.
777a	Section 762 of this title; title 20 section 1425.
777f	Section 777 of this title.
792	Sections 776, 794b of this title; title 42 section 4157; title 49 App. section 1304.
794	Sections 706, 774, 775, 794a, 1577 of this title; title 5 section 3102; title 20 sections 1132a, 1232e; title 25 section 2005; title 31 section 6716; title 42 sections 300w-7, 300x-7, 300y-9, 708, 5057, 5309, 6727, 8625, 9849, 9906, 10406; title 49 App. section 1612.
794a	Title 22 section 3905; title 42 section 10406.
795g	Section 795i of this title.
795h	Section 795i of this title.

TITLE 29—LABOR—Cont.

Section	*Referred to in*
1002	Sections 1003, 1023, 1053, 1055, 1081, 1082, 1144, 1301, 1321, 1342, 1453 of this title; title 15 section 77b; title 18 section 1954; title 26 sections 414, 3121, 3306; title 31 section 68c; title 42 sections 409, 1306.
1055	Sections 1053, 1056, 1061 of this title.
1056	Sections 1053, 1061, 1144 of this title.
1082	Sections 1023, 1053, 1054, 1055, 1060, 1083, 1084, 1085, 1343, 1423 of this title.
1103	Sections 1104, 1105, 1114, 1403 of this title; title 26 section 409.
1301	Sections 1002, 1056, 1365, 1366, 1441, 1461 of this title; title 26 section 418.
1341	Sections 1303, 1348 of this title; title 26 section 418.
1503	Section 1513 of this title; title 20 section 2471.
1512	Sections 1503, 1515, 1574, 1591, 1781 of this title; title 20 section 2321.
1514	Sections 1513, 1515, 1531, 1534 of this title; title 20 section 2323.
1531	Sections 1515, 1533, 1602, 1658 of this title; title 20 section 2373.
1532	Sections 49j, 1602 of this title; title 20 sections 2322, 2324, 2373.
1552	Title 7 section 2014.
1604	Sections 1518, 1605 of this title; title 7 section 2014.
1753	Section 1754 of this title; title 20 section 2421.

TITLE 30—MINERAL LANDS AND MINING

Section	*Referred to in*
22	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
23	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
24	Sections 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
26	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section

TITLE 30—MINERAL LANDS AND MINING—Cont.

Section	*Referred to in*
26—Cont.	640d-10; title 43 sections 1712, 1714, 1732.
27	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
28	Sections 24, 28-1, 28b, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732; title 50 App. section 565.
29	Sections 24, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
30	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
33	Sections 24, 29, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
34	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
35	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
37	Sections 24, 29, 33, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
39	Sections 24, 29, 33, 37, 38, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
40	Sections 24, 29, 33, 37, 38, 39, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
41	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
42	Sections 24, 29, 33, 37, 38, 39, 40, 46, 47, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
47	Sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 48, 49, 102, 541b of this title; title 16 section 460mm-1; title 25 section 640d-10; title 43 sections 1712, 1714, 1732.
185	Sections 236a, 275, 285 of this title; title 10 sections 7421, 7435; title 16 section 3167; title 33 section 1522; title 42 sections 6271, 6502; title 43 sections 1652, 1768, 2009; title 50 App. section 2406.
191	Sections 241, 275, 285, 292, 355, 541*f*, 1721 of this title; title 10 sections 7421, 7435; title 16 sections 460*ll*-3, 470h; title 31 section 6903; title 43 section 1747.
1221	Section 1223 of this title.
1222	Section 1223 of this title.
1223	Section 1224 of this title.
1226	Section 1328 of this title.
1229	Section 1221 of this title.
1230	Section 1221 of this title.
1253	Sections 1231, 1235, 1252, 1254, 1256, 1268, 1271, 1272, 1291, 1292, 1309 of this title.
1261	Title 26 section 468.
1278	Title 26 section 468.
1601	Section 1811 of this title.
1803	Section 1804 of this title.

TITLE 31—MONEY AND FINANCE

Section	*Referred to in*
716	Section 3523 of this title; title 44 section 3519; title 50 App. section 2411.
1105	Sections 1104, 1106, 1107, 9103, 9109 of this title; title 2 sections 358, 622, 655, 902, 904; title 5 section 1205; title 10 sections 136a, 139, 1465, 2006, 2859; title 20 sections 241-1, 1070e-1; title 29 section 762a; title 38 sections 210, 4118, 5010, 5011; title 39 section 2009; title 50 section 98h-2.
1106	Title 2 section 904.
1108	Section 3512 of this title; title 19 section 2345; title 49 App. section 1602.
1304	Section 3723 of this title; title 10 sections 2733, 2734; title 16 sections 79g, 460bb-2; title 28 section 1961; title 32 sections 334, 715; title 40 section 759; title 41 section 612.

TITLE 31—MONEY AND FINANCE—Cont.

Section	*Referred to in*
1306	Section 3343 of this title; title 7 sections 1704, 1708; title 16 section 1537; title 22 sections 1754, 1922, 2103, 2194, 2291a, 2407.
1341	Sections 1349, 1350, 1351 of this title; title 2 section 60a-2; title 5 section 5307; title 12 section 1749bbb-8; title 20 sections 241-1, 646, 1225; title 22 sections 277d-3, 1461b, 3723; title 42 sections 2204, 2204a, 2210, 2295, 2394; title 49 App. section 1519.
1342	Sections 1349, 1350, 1351 of this title; title 2 section 60a-2; title 5 sections 575, 3102, 3111, 5307; title 10 section 1588; title 15 sections 636, 2076, 2218; title 18 section 4204; title 19 section 2171; title 21 section 1114; title 22 sections 277d-3, 1461b, 2509, 3723; title 25 section 2020; title 28 section 995; title 29 sections 783, 1579; title 30 section 1807; title 33 section 1123; title 42 sections 609, 2204, 2204a, 2210, 2295, 2394, 3788, 4343, 5613; title 44 section 2105; title 46 App. section 1717; title 47 sections 154, 332.
1343	Title 5 section 3374; title 22 sections 2588, 3622; title 33 section 576a; title 40 section 491.
1345	Title 42 section 3788.
1349	Title 2 section 60a-2; title 5 sections 3374, 5307; title 22 sections 277d-3, 1461b, 2396, 2588, 3622, 3723; title 40 section 491; title 42 sections 2204, 2204a, 2210, 2295, 2394.
1502	Title 19 section 2345; title 49 App. section 1602.
1531	Title 20 section 3501; title 42 sections 5872, 7291; title 46 App. section 1605; title 49 App. section 1554.
1535	Section 1536 of this title; title 10 section 2205; title 16 section 825k; title 22 section 2358; title 24 section 168b; title 38 sections 620A, 5010; title 40 sections 270f, 298b; title 42 section 254; title 48 section 1469d; title 50 section 414.
1536	Title 10 section 2205; title 16 section 825k; title 38 section 620A; title 40 sections 270f, 298b; title 42 section 254; title 48 section 1469d; title 50 section 414.
3102	Sections 3108, 3121, 3123 of this title; title 29 section 213; title 45 sections 231f, 231n.
3124	Title 12 sections 2055, 2079; title 20 section 1087-2.
3302	Sections 327, 3322, 3718, 3720 of this title; title 10 section 7605; title 15 section 2514; title 18
3302—Cont.	section 1963; title 22 sections 1475e, 4226; title 38 section 1820; title 42 section 5812.
3324	Section 3726 of this title; title 2 section 475; title 5 sections 3381, 4109, 5923, 5924; title 7 sections 427i, 1624, 3318; title 10 sections 2127, 2239, 2388, 2852, 6154, 7522; title 12 sections 1701c, 1701z-2, 3012; title 15 sections 196, 634, 2056, 2451, 2609, 2626; title 16 sections 460*l*-1, 565a-1, 581i-1, 1645, 2107; title 18 sections 4109, 4204; title 19 sections 2076, 2080; title 20 sections 959, 1221e-3, 2012, 2106, 2431; title 21 sections 360d, 360j; title 22 sections 287e-1, 289c, 294, 2103, 2179; title 28 section 995; title 29 section 1774; title 33 section 1254; title 37 section 1006; title 38 section 4142; title 40 section 462; title 42 sections 242m, 254b, 254*l*, 263d, 285a-2, 285b-3, 290bb, 292f, 294z, 295g-10, 296k, 300c-22, 300e-2, 300e-3, 300u, 1870, 2473, 3105, 4101, 4372, 7403, 7404; title 49 App. sections 1353, 1603, 1604; title 50 sections 491, 502, 522; title 50 App. section 1918.
3512	Sections 3511, 7502 of this title.
3523	Title 2 section 104a; title 42 sections 2996h, 10711.
3530	Title 5 section 5514.
3553	Sections 3554, 3556 of this title.
3554	Sections 3553, 3555, 3556 of this title.
3555	Sections 3553, 3554 of this title.
3711	Sections 3701, 3716 of this title; title 5 sections 552a, 5514; title 7 section 2025; title 18 section 1114; title 20 section 1234a; title 22 section 2671; title 26 section 6103; title 42 section 5042; title 45 section 64a.
3717	Section 3701 of this title; title 5 section 5514; title 7 section 2025; title 18 section 1114; title 20 section 1234a; title 22 section 2671; title 26 section 6103; title 42 section 5042; title 45 section 64a.
3718	Sections 3302, 3701 of this title; title 5 section 5514; title 7 section 2025; title 18 section 1114; title 20 section 1234a; title 22 section 2671; title 26 section 6103; title 42 section 5042; title 45 section 64a.
3721	Title 26 section 6402.
3729	Section 3730 of this title; title 10 section 2324.
5103	Section 5112 of this title.
5112	Sections 5102, 5111, 5113, 5116, 5132 of this title.
5132	Section 5112 of this title.

TITLE 31—MONEY AND FINANCE—Cont.

Section	*Referred to in*
5312	Title 26 section 6050I.
5322	Title 18 section 2516.
6302	Title 10 section 2411.
6501	Title 2 section 653.
6503	Title 42 sections 300w-2, 300x-2, 300y-4, 703, 706, 1397a, 1397e, 8626, 9873, 9907.
6506	Title 16 sections 460u-21, 1456; title 40 section 601a; title 42 sections 300*l*-2, 3151a; title 43 section 1721.
6708	Sections 6701, 6703, 6707, 6709, 6711, 6713 of this title; title 42 section 6723.
6709	Sections 6701, 6703, 6707, 6711, 6713 of this title; title 42 section 6723.
6712	Sections 6701, 6713 of this title; title 42 section 6723.
6714	Section 6704 of this title.
7305	Title 20 section 3814.
7502	Sections 7503, 7504 of this title.
7505	Section 7502 of this title.
9101	Section 1105 of this title; title 2 section 651; title 5 section 8147; title 7 section 943; title 12 sections 1757, 2293; title 16 section 838i; title 41 section 601.
9106	Title 16 sections 831n-4, 838i; title 22 section 2199; title 42 section 8777.
9108	Title 12 section 1431.
9309	Title 22 section 1631g; title 50 App. section 34.
9701	Title 7 section 2242a; title 8 section 1455; title 12 section 78n; title 16 section 222; title 28 section 1828; title 42 section 2201.

TITLE 32—NATIONAL GUARD

Section	*Referred to in*
316	Sections 101, 320, 321, 715 of this title; title 10 sections 101, 701, 1089, 1332, 1333; title 28 section 2671; title 38 sections 101, 765, 2024.
502	Sections 101, 318, 320, 321, 715 of this title; title 5 sections 3551, 5517, 6323; title 10 sections 101, 268, 517, 524, 701, 1089, 1208, 1332, 1333; title 28 section 2671; title 37 section 204; title 38 sections 101, 765, 2024, title 50 App. section 456.
503	Sections 101, 318, 319, 320, 321, 715 of this title; title 5 sections 3551, 6323; title 10 sections 101, 524, 701, 1089, 1208, 1332, 1333; title 28 section 2671; title 37 section 204; title 38 sections 101, 765, 2024.
504	Sections 101, 318, 319, 320, 321, 715 of this title; title 5 sections 3551, 6323; title 10 sections 101, 701, 1089, 1208, 1332, 1333; title 28 section 2671; title 37 section 204; title 38 sections 101, 765, 2024.
505	Sections 101, 318, 319, 320, 321, 715 of this title; title 5 sections 3551, 6323; title 10 sections 101, 701, 1089, 1208, 1332, 1333, 8616; title 28 section 2671; title 37 section 204; title 38 sections 101, 765, 2024.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Section	*Referred to in*
151	Sections 152, 1203 of this title; title 46 section 2101; title 46 App. section 88.
396	Title 47 section 31.
403	Sections 27, 406, 412, 413, 418, 465, 1371, 1503, 2104 of this title.
902	Section 908 of this title; title 5 sections 8171, 8172, 8173; title 30 section 932; title 42 section 8775.
907	Sections 904, 906, 928, 931, 933, 944 of this title; title 30 section 932.
908	Sections 904, 922, 944 of this title; title 30 section 932; title 42 sections 1652, 1702.
909	Sections 904, 908, 931 of this title; title 30 section 932; title 42 sections 1652, 1701, 1702.
910	Sections 902, 906, 908, 909, 944 of this title; title 30 section 932; title 42 section 1702.
912	Sections 908, 914, 936 of this title; title 30 section 932.
913	Sections 908, 919 of this title; title 30 section 932.
917	Section 933 of this title.
928	Section 931 of this title.
932	Section 908 of this title.
942	Section 944 of this title.
944	Sections 907, 908, 910, 918, 922, 933, 939, 942, 948a of this title; title 30 section 932.
1131	Sections 1124, 1124a, 1125, 1127 of this title.
1292	Sections 1281, 1285, 1317, 1342, 1345, 1375 of this title; title 26 section 7701.
1311	Sections 1255, 1292, 1297, 1312, 1313, 1314, 1317, 1319, 1325, 1326, 1341, 1342, 1344, 1365, 1367, 1369 of this title; title 42 section 6925.
1314	Sections 1255, 1281, 1284, 1288, 1292, 1311, 1313, 1315, 1317, 1322, 1323, 1342, 1344, 1369, 1376 of this title; title 42 section 6925.
1316	Sections 1311, 1313, 1314, 1317, 1319, 1323, 1326, 1341, 1342,

TITLE 33—NAVIGATION AND NAVIGABLE WATERS—Cont.

Section	*Referred to in*
1316—Cont.	1365, 1367, 1369, 1371, 1374 of this title; title 42 section 6925.
1317	Sections 1288, 1311, 1313, 1314, 1319, 1323, 1341, 1342, 1344, 1365, 1367, 1369, 1374 of this title; title 42 sections 6925, 6939, 9601.
1321	Sections 1266, 1314, 1318, 1376, 1402, 1486, 1517 of this title; title 43 sections 1653, 1811, 1821; title 42 sections 9601, 9602, 9605, 9606, 9611, 9631, 9651, 9652, 9654, 10601; title 46 section 2101.
1342	Sections 1251, 1284, 1285, 1288, 1311, 1314, 1318, 1319, 1321, 1323, 1328, 1341, 1343, 1344, 1345, 1365, 1369, 1371, 1373, 2104 of this title; title 42 sections 6903, 6925, 9601.
1344	Sections 1251, 1285, 1288, 1311, 1318, 1319, 1342, 2104 of this title; title 42 section 9601.
1517	Section 1503 of this title.
2034	Sections 2009, 2014 of this title.
2102	Section 2103 of this title.
2103	Section 2104 of this title.
2105	Section 2103 of this title.

TITLE 35—PATENTS

Section	*Referred to in*
112	Sections 41, 111, 120, 157, 162, 282 of this title.
134	Sections 141, 145, 306 of this title.
135	Section 7 of this title.
142	Sections 141, 143, 306 of this title.
154	Sections 155, 155A of this title.
156	Section 282 of this title.
183	Section 157 of this title.
200	Title 10 section 2320; title 41 section 418a.
202	Sections 203, 206, 210 of this title.
203	Sections 202, 206, 210 of this title.
206	Section 203 of this title.
271	Section 157 of this title; title 21 section 355.
272	Section 157 of this title; title 42 section 2457.
281	Section 157 of this title.
282	Sections 157, 294 of this title.
283	Section 157 of this title.
284	Section 157 of this title.
285	Sections 157, 271 of this title.
286	Section 157 of this title.
287	Section 157 of this title.
288	Section 157 of this title.
289	Section 157 of this title.
292	Section 157 of this title.

TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES

Section	*Referred to in*
380	Title 15 sections 1116, 1117; title 18 section 2320.
1101	Sections 1711, 1811, 1911; 2011, 2111, 2211, 2311, 2411, 2511, 2611, 2711, 2811, 2912, 3011, 3711 of this title.
1102	Sections 1166, 1213, 1309, 3111, 3611 of this title.
3401	Section 3402 of this title.

TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

Section	*Referred to in*
101	Title 2 section 906; title 5 sections 3326, 3501, 5531; title 10 section 2774; title 20 section 238; title 26 section 6013; title 32 section 716; title 33 section 857-1; title 42 sections 665, 1973cc-21.
203	Sections 201, 209, 1009 of this title; title 2 section 906; title 10 section 1401a.
205	Sections 201, 203, 301a, 301c, 308 of this title; title 10 sections 1091, 2126; title 42 section 212.
301	Sections 301b, 304, 310, 552, 907, 1012 of this title; title 38 section 2024.
302	Section 303a of this title; title 42 section 210.
303a	Sections 302, 302b of this title.
401	Section 411f of this title; title 10 section 2002.
403	Sections 407, 419, 1003, 1009 of this title; title 32 section 107; title 50 App. section 454.
403a	Section 403 of this title; title 2 section 906; title 10 section 7572.
405	Sections 403, 403a, 406, 411, 419, 1003 of this title; title 2 section 906; title 5 section 4109; title 36 section 121.
406	Sections 406a, 406b, 409, 411, 419, 427, 1003 of this title; title 5 section 4109; title 10 section 2634; title 14 section 512.
420	Section 406b of this title.
427	Section 403a of this title.
1007	Title 5 section 5514.
1009	Sections 203, 402, 403 of this title; title 2 section 906; title 26 section 3121; title 42 section 409.

TITLE 38—VETERANS' BENEFITS

Section	*Referred to in*
101	Sections 901, 3102, 5011A of this title; title 5 sections 2108, 3501, 5532, 6303, 8706; title 20 section 1070e-1; title 26 section

TITLE 38—VETERANS' BENEFITS—Cont.

Section	*Referred to in*
101—Cont.	3121; title 42 sections 410, 1477; title 49 App. section 2214.
111	Sections 601, 614, 620, 628, 1504 of this title.
214	Sections 221, 222, 245, 618, 654, 664, 1521, 4001 of this title.
218	Section 4107 of this title.
351	Sections 610, 3010, 3113 of this title.
411	Sections 410, 3010 of this title; title 10 sections 1450, 1451.
521	Sections 111, 506, 508, 511, 512, 522, 523, 525, 541, 542, 3023, 3104, 3112, 3203 of this title; title 42 section 8624.
525	Section 524 of this title.
562	Sections 560, 561 of this title; title 26 sections 134, 6334.
610	Sections 601, 612, 622, 641, 903, 5011A of this title.
612	Sections 525, 601, 610, 612A, 618, 620, 663, 804, 5010, 5011A of this title.
620	Sections 610, 624, 641, 642, 903, 5005, 5034 of this title.
662	Section 601 of this title.
767	Sections 768, 777 of this title.
768	Section 777 of this title.
1411	Sections 1413, 1415, 1416, 1421, 1431 of this title; title 10 section 2006.
1412	Sections 1413, 1416, 1421, 1431, 1433 of this title; title 10 sections 2006, 2132.
1415	Section 1435 of this title; title 10 section 2006.
1421	Section 1422 of this title; title 10 sections 708, 2006.
1431	Title 10 section 2133.
1432	Sections 1415, 1422 of this title.
1504	Sections 363, 524, 1505, 1506, 1508, 1517, 1520 of this title.
1506	Sections 1505, 1507, 1508, 1509, 1518, 1520, 2011 of this title.
1507	Sections 524, 1506, 1520 of this title.
1652	Sections 524, 1402, 1501, 1602, 1661, 1786, 1787 of this title; title 20 section 1070d.
1663	Sections 1434, 1641 of this title; title 10 section 2136.
1670	Sections 1434, 1641 of this title; title 10 section 2136.
1671	Sections 1434, 1641, 1682, 1691 of this title; title 10 section 2136.
1673	Sections 1434, 1641, 1682A, 1691 of this title; title 10 section 2136.
1674	Sections 1434, 1641 of this title; title 10 section 2136.
1676	Sections 1434, 1641 of this title; title 10 section 2136.
1682	Sections 1434, 1682A, 1691, 1692, 1732, 1780 of this title; title 10 section 2136.
1683	Sections 1434, 1641, 1770 of this title; title 10 section 2136.

TITLE 38—VETERANS' BENEFITS—Cont.

Section	*Referred to in*
1732	Sections 1765, 1780 of this title.
1777	Sections 1434, 1641, 1772, 1787 of this title.
1780	Sections 1434, 1508, 1641, 1784, 1798 of this title; title 10 section 2136.
1786	Sections 1434, 1684, 1734, 1780 of this title; title 10 section 2136.
1787	Sections 1434, 1516, 1641, 1682, 1684, 1734, 1772, 1780, 2003A, 2009 of this title; title 10 section 2136; title 29 section 1721.
1792	Section 1434 of this title; title 10 section 2136.
1795	Sections 1413, 1631 of this title; title 10 section 2131.
1803	Sections 1810, 1816, 1819 of this title.
1810	Sections 1801, 1803, 1811, 1816, 1817, 1819 of this title.
1819	Sections 1801, 1803, 1810, 1811 of this title.
1829	Section 1824 of this title.
2003	Sections 612A, 2003A of this title; title 42 section 1101.
2003A	Sections 612A, 1517, 1772, 2006, 2007 of this title; title 29 section 1721.
2004	Sections 612A, 2003A, 2007 of this title.
3101	Section 708 of this title; title 26 section 134; title 42 section 417.
3305	Section 4152 of this title.
4001	Section 4002 of this title.
4002	Section 4001 of this title.
4104	Sections 4101, 4105, 4106, 4107, 4110, 4111, 4113, 4114 of this title.
4107	Sections 218, 4118 of this title; title 5 sections 6123, 6128.
4151	Section 4152 of this title.
4152	Sections 3305, 4151 of this title.

TITLE 39—POSTAL SERVICE

Section	*Referred to in*
404	Title 42 section 10601.
409	Section 3012 of this title.
1006	Title 5 section 5734.
2003	Sections 2001, 3604 of this title; title 40 section 356; title 42 section 10601.
2601	Title 42 section 10601.
3005	Sections 3007, 3012, 3013 of this title.
3007	Sections 3005, 3011, 3012, 3013 of this title.
3220	Section 3204 of this title; title 44 section 733.
5402	Section 5401 of this title; title 49 App. sections 1375, 1553.

TITLE 40--PUBLIC BUILDINGS, PROPERTY, AND WORKS

Section	*Referred to in*
34	Section 356 of this title; title 15 section 2076; title 42 sections 242b, 282, 285a-2, 285b-3, 1532, 2473.
174j-1	Sections 166b-1f, 174j-3, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.
174j-3	Sections 166b-1f, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.
174j-4	Sections 166b-1f, 174j-3, 174j-7, 174j-9 of this title; title 5 section 5533.
174j-5	Sections 166b-1f, 174j-3, 174j-4, 174j-6, 174j-7, 174j-9 of this title; title 5 section 5533.
174j-6	Sections 166b-1f, 174j-3, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.
174j-7	Sections 166b-1f, 174j-3, 174j-4, 174j-9 of this title; title 5 section 5533.
174j-8	Section 174j-9 of this title.
193b	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193c	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193d	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193e	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193f	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193g	Sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.
193h	Sections 136, 174b-1, 184a, 193i, 193k, 193*l*, 193m, 212a of this title.
193i	Sections 136, 174b-1, 184a, 193h, 193k, 193*l*, 193m, 212a of this title.
193j	Sections 136, 174b-1, 184a, 193g, 193h, 193i, 193k, 193*l*, 193m, 212a of this title.
193k	Sections 136, 174b-1, 184a, 193g, 193h, 193i, 193*l*, 193m, 212a of this title.
193*l*	Sections 136, 174b-1, 184a, 193h, 193i, 193k, 193m, 212a of this title.
212a-2	Sections 136, 174b-1, 184a, 193h, 193i, 193k, 193*l*, 193m, 212a of this title.
223	Section 224 of this title.
257	Title 16 sections 81e, 159a, 231b, 242, 263, 403l, 423k, 423n, 425a, 430a, 430k, 430u, 430nn, 433c, 433h, 447b, 449, 450m, 450p, 459a; title 25 sections 500a, 1724, 1754; title 42 sections 1532, 2222; title 43 section 1522; title 49 App. section 1344; title 50 section 167f.
258a	Sections 258c, 258d of this title; title 10 section 7422; title 16 sections 79c, 831c; title 25 sections 500a, 1724, 1754; title 33 section 598; title 39 section 410; title 42 sections 1502, 1532, 1592d, 1594a, 2222, 4651; title 43 section 1522; title 49 App. section 1344; title 50 section 167f.
270a	Sections 270b, 270d, 270e, 270f of this title; title 15 section 637; title 25 sections 47a, 450j, 1654; title 31 section 9303; title 39 section 410; title 42 section 1594.
270b	Sections 270d, 270e, 270f of this title; title 25 sections 47a, 450j, 1654; title 31 section 9303; title 39 section 410.
270c	Sections 270b, 270d, 270e, 270f of this title; title 25 sections 47a, 450j, 1654; title 31 section 9303; title 39 section 410.
270d	Sections 270b, 270e, 270f of this title; title 25 sections 47a, 450j, 1654; title 31 section 9303; title 39 section 410.
276c	Sections 330, 808 of this title; title 16 section 779e; title 20 sections 684, 693b, 954, 956, 1232b; title 25 section 450e; title 29 sections 776, 1553; title 31 section 6704; title 33 section 1372; title 39 section 410; title 40 App. section 402; title 42 sections 242m, 254b, 254c, 291e, 293a, 300j-9, 300s-1, 300t-12, 1440, 1486, 1592i, 2992a, 3027, 3107, 3222, 5046, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 8775, 9604; title 49 App. section 1609; title 50 App. sections 2095, 2096, 2281.
318	Title 50 section 403*o*.
318c	Section 318a of this title; title 50 section 403*o*.
472	Title 10 section 2667; title 20 section 3479; title 31 section 3551; title 42 section 7259; title 43 section 1702; title 44 section 2901; title 50 section 167a.
483	Sections 475, 481, 483c, 512 of this title; title 25 section 1812; title 45 section 854.
484	Sections 475, 483, 483c, 484c, 490, 512 of this title; title 10 sections 2577, 2667a; title 20 section 3441; title 22 section 2358; title 45 section 1212; title 49 App. section 2433.
488	Sections 752, 781 of this title; title 42 sections 2201, 5919.

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS—Cont.

Section	*Referred to in*
490	Sections 490a, 490c, 752 of this title; title 2 section 122c; title 7 section 87e-1; title 49 section 10344.
541	Title 41 section 259.
721	Sections 722, 723, 726, 727 of this title; title 46 App. section 1285; title 49 App. section 1534.
722	Title 31 section 3126; title 46 App. section 1285; title 49 App. section 1534.
754	Section 486 of this title.
759	Title 10 sections 2306, 2315; title 31 section 3552; title 44 sections 3504, 3505, 3506, 3518; title 50 section 403c.

TITLE 41—PUBLIC CONTRACTS

Section	*Referred to in*
5	Sections 5a, 6a, 6a-1, 6a-2, 6b, 252, 260 of this title; title 2 sections 61g-7, 72a, 135a, 475, 604; title 5 sections 3109, 4105, 8709, 8714a, 8714b, 8714c, 8902; title 7 sections 87e-1, 427i, 1624, 3318; title 8 sections 1252, 1355; title 10 section 2314; title 12 sections 1141b, 1701z-2, 1703, 1710, 1713, 1739, 1747g, 1747k, 1749a, 1750c, 1788, 1827; title 15 sections 634, 2218, 2507, 2609, 2626; title 16 sections 17b, 17i, 343b, 450jj-1, 504, 580c, 590z-3, 594-5, 757, 916*l*, 961, 1052, 2104; title 18 section 4255; title 20 sections 1034, 1070d, 2012, 2106; title 21 section 872; title 22 sections 272a, 280b, 280i, 280k, 287e, 287r, 289c, 290b, 295b, 2103, 2179, 2509, 4024; title 23 sections 140, 307; title 24 sections 322, 324; title 28 sections 604, 624, 753; title 29 section 671; title 30 section 556; title 31 section 9105; title 33 sections 1123, 1254, 1705; title 38 sections 766, 806, 1820, 4101, 4202, 5022, 5070; title 40 sections 71a, 276a-7, 484, 609, 758; title 42 sections 242k, 242m, 263d, 285a-2, 285b-3, 289c, 289e, 290bb, 292f, 296k, 300c-22, 300e-2, 300e-3, 300u, 1395u, 1395ww, 1532, 1543, 1563, 1592d, 1592h, 1870, 2051, 2061, 2063, 2075, 2096, 2210, 2293, 2295, 2310, 2349, 2362, 3211, 3535, 4081, 4082, 4101, 4372, 6616, 7403, 7404, 9612; title 43 section 1817; title 45 sections 361, 719; title 46 App. section 1295d; title 49 sections 10364, 10385, 10721; title 49 App. sections 1159, 1903, 2426; title 50 section 198; title 50 App. section 1918.
22	Title 7 section 1514; title 10 section 2343; title 15 section 714*l*; title 22 sections 1472, 2676; title 33 section 702m.
252	Section 260 of this title; title 22 sections 2509, 4024; title 23 section 140; title 30 section 1711; title 38 section 5022; title 40 sections 356, 356a; title 50 sections 1432, 1651.
253	Sections 252, 257, 416, 417 of this title; title 15 section 637; title 22 section 2669; title 40 section 759.
253a	Section 257 of this title.
253b	Section 257 of this title.
254	Section 257 of this title; title 16 section 670o; title 38 section 5022.
255	Section 257 of this title; title 15 section 4224.
401	Sections 405, 413 of this title.
403	Sections 259, 418a, 420 of this title; title 10 sections 2302, 2320; title 15 section 637.
405	Sections 407, 408, 417 of this title.
414	Sections 253, 418 of this title; title 10 section 2304; title 15 section 637.
416	Section 253 of this title; title 10 section 2304.
417	Title 40 section 759.
418	Title 10 section 2318.
418b	Title 10 section 2324; title 42 section 7256a.
419	Title 10 section 2318.
605	Sections 606, 609, 611 of this title; title 5 section 504; title 10 sections 2324, 2405; title 31 section 3906.
606	Title 10 section 2324.
607	Sections 601, 603, 606, 609 of this title; title 5 section 504; title 28 sections 1295, 1346.
608	Title 40 section 759.

TITLE 42—THE PUBLIC HEALTH AND WELFARE

Section	*Referred to in*
203	Section 300aa-7 of this title.
210	Sections 217a, 242k, 263f, 286b-2, 289 of this title.
213	Sections 213a, 215 of this title; title 26 section 134.
218	Sections 289, 292b of this title.
241	Sections 242, 242a, 263, 282, 284, 289h, 290aa-1, 290aa-2, 290aa-3, 300x-1a, 300x-4, 7610 of this title.
242	Section 290aa-2 of this title.
242a	Sections 290aa, 290aa-1, 290aa-2, 290aa-3, 300e-8 of this title; title 21 section 850.

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Cont.

Section	*Referred to in*
242b	Sections 235, 242c, 242k, 242*l*, 242m, 288, 300e-8 of this title.
242m	Sections 242b, 242c, 242p of this title.
247b	Sections 247c, 300w-1 of this title.
248c	Section 248d of this title.
248d	Section 248c of this title.
249	Sections 254e, 300aa-1, 2651 of this title; title 24 section 168b.
251	Section 254e of this title; title 24 section 168b.
254b	Sections 218, 254g, 256a, 300e-12, 300e-14a, 1396b of this title; title 29 section 777b.
254c	Sections 254g, 256a, 300e-12, 300n, 300y-1, 300y-2, 300y-3, 300y-5, 1396b, 9840 of this title; title 7 section 3178.
254e	Sections 254d, 254f, 254g, 254k, 254*l*, 254m, 254n, 254p, 294h, 294n, 295g-8, 296k, 296m, 1395x, 9840 of this title; title 5 section 8902.
254*l*	Sections 242a, 254d, 254m, 254n, 254*o*, 254q of this title.
254m	Sections 210, 242a, 254n, 254*o* of this title.
262	Sections 236, 263 of this title; title 21 sections 360aa, 360bb, 360cc, 360ee, 392; title 35 section 156.
264	Sections 201, 266, 271 of this title; title 45 section 546.
273	Sections 274, 274b, 274c of this title.
274	Sections 273, 274b, 274c of this title.
274a	Section 274b of this title.
274d	Section 274a of this title.
275	Section 289g of this title.
282	Sections 283, 284, 289a of this title.
283	Sections 284b, 287a-1, 287c-3 of this title.
284	Sections 284a, 285a-2, 285b-3, 289a of this title.
284a	Sections 284, 284b, 285c-6, 289c of this title.
284b	Sections 284a, 285a-5, 285b-6, 285c-7, 285g-3 of this title.
285a-1	Section 284c of this title.
285b-1	Section 284c of this title.
285c-4	Section 285c-3 of this title.
285c-5	Section 285c-7 of this title.
285c-7	Section 285c-4 of this title.
285d-1	Section 285d-7 of this title.
285d-4	Section 285d-7 of this title.
285d-6	Section 285d-5 of this title.
286a	Section 286 of this title.
286b-3	Sections 286b, 286b-8 of this title.
286b-4	Sections 286b, 286b-8 of this title.
286b-5	Sections 286b, 286b-8 of this title.
286b-6	Sections 286, 286b, 286b-8 of this title.

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Cont.

Section	*Referred to in*
286b-7	Sections 286b, 286b-8 of this title.
287a	Section 287a-1 of this title.
287a-1	Section 287a of this title.
287c	Section 287c-1 of this title.
287c-2	Section 287c-3 of this title.
287c-3	Section 287c-2 of this title.
288	Sections 242, 254m, 284, 285a-3, 285b-4, 285c-2, 285d-2, 285e-2 of this title.
289a	Sections 282, 284, 284a, 289c of this title.
289e	Sections 285a-3, 285b-4, 285e-2 of this title.
290bb-1	Section 290bb-2 of this title.
290dd	Sections 300x-1a, 300x-4 of this title.
290dd-1	Section 290ee-1 of this title.
290dd-2	Section 290dd of this title.
290ee-1	Section 290dd-1 of this title.
290ee-2	Section 290ee of this title.
291c	Sections 291d, 291e, 291i, 291j-3 of this title.
292a	Sections 201, 290bb-1, 294j, 294q-3, 295g-3, 295g-8, 300u-5 of this title; title 20 section 1132e-1.
292k	Sections 254*l*, 294z of this title.
293a	Sections 292a, 294m, 294z of this title.
294g	Sections 294e, 294k of this title.
294j	Section 294a of this title; title 26 section 6103.
294m	Sections 294n, 294*o*, 294p, 294q-1 of this title.
294n	Sections 254d, 294m, 294q-1, 3505d of this title.
294z	Sections 254*l*, 295g-7 of this title.
295f-1	Section 295f-2 of this title.
295g	Section 288 of this title.
295g-4	Sections 288, 293a of this title.
295g-6	Sections 288, 293a of this title.
295g-8	Section 295g-8b of this title; title 20 section 1064.
296m	Sections 254*l*, 295g-3, 297 of this title.
297a	Sections 296e, 297c, 297d, 297e of this title.
297e	Section 297d of this title.
300e-1	Sections 300e, 1395x, 1395mm, 1396b of this title.
300e-11	Sections 300e-17, 1396b of this title.
300k-3	Sections 254j, 300k-1 of this title.
300m-3	Sections 247a, 247b, 254j, 300a-29, 300k-1, 300k-3, 300*l*-2, 300m, 300m-1, 300m-2, 300m-6, 300n-4, 300n-5, 6371d of this title.
300s-3	Sections 290dd-2, 300s-1, 6372 of this title.
300u-4	Section 247b of this title.
300w-1	Sections 300w, 300w-2, 300w-3, 300w-4, 300w-7, 300w-10 of this title.

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Cont.

Section	*Referred to in*
300w-2	Sections 300w-3, 300w-4, 300w-5, 9875 of this title.
300w-3	Sections 300w-2, 300w-5, 300w-9 of this title.
300w-5	Sections 300w-1, 9875 of this title.
300w-6	Sections 300w-4, 9875 of this title.
300w-7	Section 9875 of this title.
300w-8	Section 9875 of this title.
300x	Sections 300x-1, 300x-1a of this title.
300x-1a	Sections 300x, 300x-2, 300x-3, 300x-4, 300x-5, 300x-7 of this title.
300x-4	Sections 290aa-3, 300x-1a, 300x-3, 300x-5, 300x-6 of this title.
300x-5	Section 300x-1a of this title.
300aa	Sections 218, 284a, 286, 287a, 287c-2, 289f of this title.
300aa-12	Section 242c of this title.
401	Sections 415, 417, 418, 421, 429, 910, 1320b-1, 1395i, 1395t of this title; title 26 section 3121.
402	Sections 401, 403, 405, 415, 416, 417, 422, 423, 424a, 425, 426, 426a, 427, 428, 433, 1320b-1, 1395i-1, 1395p, 1395r, 1395s of this title; title 5 section 8332; title 30 sections 902, 922, 932; title 38 sections 412, 422; title 45 sections 231a, 231b, 231c, 231d, 231e, 231f.
403	Sections 402, 408, 415, 423, 424a, 1382a of this title; title 10 section 1451; title 26 sections 86, 1402; title 30 sections 922, 932; title 45 sections 231a, 231q.
405	Sections 402, 406, 408, 415, 416, 418, 421, 423, 424a, 602, 1320a-7, 1320c-4, 1320c-5, 1383, 1395y, 1395ff, 1395ii, 1395mm, 1395*oo*, 1396i, 1396q of this title; title 5 section 8503; title 19 section 2312; title 26 sections 1402, 6109; title 30 section 923.
407	Sections 659, 1383 of this title; title 26 sections 86, 871, 6334; title 30 section 923.
408	Section 1383a of this title; title 30 section 923.
415	Sections 402, 403, 413, 417, 423, 424a, 427, 428, 430, 431, 674, 1382f, 1382g, 1395r of this title; title 26 section 415; title 38 section 3112; title 45 sections 231b, 231c.
416	Sections 402, 403, 413, 414, 415, 417, 421, 422, 423, 428, 429, 431, 1382c, 1395ii of this title; title 5 section 8311; title 30 section 902; title 45 sections 231a, 231b, 231c, 231d, 231e, 231q.
417	Sections 213, 405, 415 of this title; title 33 section 857; title 45 section 231b.

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Cont.

Section	*Referred to in*
418	Sections 402, 405, 405a, 410, 411, 424a of this title; title 26 sections 1402, 3121, 6413, 6511.
421	Sections 423, 425, 1382c, 1383b of this title; title 7 section 2012; title 30 section 923.
423	Sections 401, 402, 403, 405, 409, 415, 416, 421, 422, 424a, 425, 426, 1320b-1, 1382c, 1395p, 1395r, 1395s, 1437a, 6862 of this title; title 26 section 3121; title 30 sections 902, 922, 923; title 45 sections 231a, 231b, 231c, 231f.
424a	Sections 403, 415 of this title; title 26 sections 86, 6050F; title 30 section 922.
425	Sections 416, 422 of this title.
430	Sections 403, 409, 411, 413, 415 of this title; title 26 sections 1402, 3121, 3231, 6413; title 29 section 1322.
433	Sections 402, 410, 411 of this title; title 26 sections 1401, 1402, 3101, 3111, 3121.
602	Sections 603, 604, 606, 607, 608, 609, 614, 615, 631, 633, 636, 643, 644, 652, 654, 656, 658, 664, 666, 672, 673, 1202, 1308, 1315, 1352, 1396a, 4728 of this title; title 7 sections 2014, 2015; title 11 section 523; title 20 section 2712; title 25 sections 683, 686, 689, 996; title 26 section 6402; title 29 section 1603.
607	Sections 602, 606, 608, 633, 672, 673, 1315, 1396d of this title.
608	Sections 606, 674, 8624 of this title.
609	Sections 603, 614 of this title; title 7 section 2029.
614	Sections 603, 1396a of this title; title 26 section 51.
632	Sections 602, 603, 607, 631, 633, 634, 636, 642 of this title; title 26 section 51.
652	Sections 603, 653, 654, 660 of this title; title 26 section 6305.
654	Sections 503, 652, 655, 658, 663, 664, 666, 1315, 1396k of this title; title 26 section 6103.
655	Sections 603a, 652, 658, 1315 of this title; title 2 section 906.
657	Sections 602, 603, 652, 654, 664, 666 of this title.
658	Sections 654, 655 of this title; title 2 section 906.
664	Section 654 of this title; title 26 sections 6103, 6402; title 31 section 3720A.
666	Section 654 of this title.
671	Sections 652, 658, 664, 666, 672 of this title; title 26 section 6402.
672	Sections 602, 608, 671, 674, 675 of this title.

TITLE 42—THE PUBLIC HEALTH AND WELFARE—Cont.

Section	*Referred to in*
674	Section 673 of this title; title 2 section 906.
904	Sections 405, 1383 of this title.
911	Title 2 section 622.
1104	Sections 503, 1105, 1109, 1322 of this title; title 2 section 906; title 5 section 8509; title 26 sections 3304, 3306; title 45 sections 360, 361, 363a, 366a.
1109	Title 2 section 906; title 5 section 8509.
1315	Sections 645, 1396b of this title.
1320a-1	Sections 300m-2, 1395x, 1395ww, 1396b, 6371d of this title.
1320a-3	Sections 300e-17, 1395x, 1396a, 6024 of this title.
1320a-5	Sections 1320a-7, 1395cc, 1396b, 6024 of this title.
1320a-7	Sections 1395y, 1396a of this title.
1320a-7a	Sections 707, 1320a-7, 1395u of this title; title 10 section 1094.
1320b-7	Sections 302, 503, 602, 1202, 1352, 1383, 1396a of this title; title 7 section 2020.
1322	Section 1321 of this title; title 26 section 3302.
1323	Sections 1103, 1104 of this title; title 2 section 906.
1382a	Sections 612, 1382, 1382b, 1382e, 1382h, 1382j, 1383, 1396b, 8624 of this title.
1382e	Sections 1310, 1320a-6, 1382, 1382g, 1382h, 1382i, 1383, 3022 of this title; title 7 sections 2012, 2015; title 12 section 1715w; title 26 sections 51, 6103.
1382f	Sections 1382, 1382g of this title.
1382h	Sections 1382, 1382c, 1382e, 1382i of this title.
1383	Sections 643, 909, 1306a, 1318, 1319, 1382c, 1382d, 1382j, 1383a, 1396a of this title.
1383a	Section 408 of this title.
1395b-1	Sections 1395*ll*, 1395ww of this title.
1395d	Sections 1395e, 1395f, 1395x, 1396b of this title.
1395i	Sections 401, 417, 418, 426a, 429, 910, 1320a-7a, 1395b-1, 1395i-1, 1395gg, 1395vv, 1396m of this title.
1395k	Sections 1395*l*, 1395n, 1395x, 1395z, 1395aa, 1395bb, 1395gg of this title.
1395*l*	Sections 1395f, 1395k, 1395n, 1395x, 1395cc, 1395mm, 1395rr, 1395uu, 1396a, 1396b of this title.
1395s	Sections 415, 428, 1395i-2, 1395r, 1395t of this title.
1395t	Sections 910, 1320a-7a, 1395b-1, 1395gg, 1395vv, 1396m of this title.
1395u	Sections 254n, 1320a-3, 1320a-7a, 1320c-3, 1395k, 1395*l*, 1395t,

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Section	*Referred to in*
1395u—Cont.	1395v, 1395mm, 1395nn, 1395pp, 1395vv, 1396m of this title; title 2 section 906.
1395x	Sections 254b, 254c, 255, 300n, 300t-12, 300w-3, 426-1, 1301, 1320a-3, 1320c-3, 1395d, 1395f, 1395g, 1395h, 1395k, 1395*l*, 1395n, 1395u, 1395y, 1395z, 1395aa, 1395bb, 1395cc, 1395mm, 1395nn, 1395*oo*, 1395pp, 1395rr, 1395tt, 1395uu, 1395ww, 1396a, 1396b, 1396d, 1396n, 3022 of this title; title 26 sections 213, 415.
1395y	Sections 1320a-7a, 1320c, 1320c-3, 1320c-7, 1320c-8, 1395*l*, 1395p, 1395r, 1395u, 1395x, 1395cc, 1395gg, 1395*oo*, 1395pp, 1395ww, 1396b of this title; title 45 section 231f.
1395cc	Sections 1320a-7, 1320a-7a, 1395e, 1395f, 1395*l*, 1395n, 1395x, 1395y, 1395aa, 1395ff, 1395tt, 1395vv, 1395ww, 1396b, 1396i, 1396m of this title.
1395gg	Sections 1395i, 1395*l*, 1395t, 1395u of this title; title 2 section 906.
1395mm	Sections 1320a-1, 1320c-2, 1395f, 1395*l*, 1395x, 1395*ll*, 1395ww of this title; title 2 section 906.
1395*oo*	Sections 1395h, 1395rr, 1395ww of this title.
1395ww	Sections 1395d, 1395f, 1395*l*, 1395n, 1395x, 1395y, 1395cc, 1395mm, 1395*oo*, 1395rr, 1395xx of this title; title 2 section 901.
1395yy	Section 1395x of this title.
1396a	Sections 300e-17, 705, 1315, 1320a-7a, 1382i, 1395v, 1395cc, 1395tt, 1396b, 1396c, 1396d, 1396g, 1396i, 1396*l*, 1396n, 1396*o*, 4728, 6022, 6042 of this title.
1396k	Sections 1396a, 1396b of this title.
1437a	Sections 1437f, 1437*o*, 1471, 5305 of this title; title 12 sections 1706e, 1715z-9, 1715z-15.
1437b	Sections 1437c, 1437q of this title.
1437c	Sections 1437d, 1437f, 1437g, 1437i, 1437*l*, 1437*o*, 1437p, 1437q of this title; title 12 sections 1701s, 1701z-3, 1715z, 1715z-1, 2294a; title 31 section 1305.
1437d	Sections 1437f, 1437*o* of this title; title 12 section 24.
1437f	Sections 1437a, 1437c, 1437g, 1437j, 1437*l*, 1437m, 1437n, 1437*o*, 1437p, 1439, 1472, 1483, 1490j, 1490m, 5302 of this title; title 12 sections 1701q, 1701s, 1701z-12, 1701z-13,

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1437f—Cont.	1715*l*, 1715z-1, 1715z-1a, 1715z-15; title 26 sections 103, 1250; title 40 App. section 207.
1437g	Sections 1437*l*, 1439 of this title.
1437i	Sections 1437*o*, 1437q of this title; title 26 section 103.
1437*l*	Sections 1437c, 1439 of this title.
1437*o*	Sections 1437c, 1437f, 1439, 5305, 5306, 5307 of this title; title 12 sections 1715n, 1715z-9.
1439	Section 1437f of this title; title 12 section 1715z.
1441a	Section 1441b of this title.
1471	Sections 1472, 1476, 1477, 1478, 1484, 1487 of this title; title 7 section 1933.
1472	Sections 1473, 1477, 1479, 1480, 1484, 1485, 1487, 1490a, 1490f of this title; title 7 section 1933.
1473	Sections 1471, 1474, 1477, 1480, 1483 of this title.
1474	Sections 1471, 1477, 1480, 1483, 1490m, 6863, 6873 of this title.
1475	Section 1480 of this title.
1479	Sections 1480, 1483, 1490m of this title.
1481	Sections 1483, 1484 of this title.
1483	Sections 1484, 1485, 1490*l* of this title.
1484	Sections 1472, 1487, 1490a, 1490j of this title.
1485	Sections 1472, 1480, 1486, 1487, 1490a, 1490f, 1490j of this title; title 40 App. section 207.
1486	Sections 1483, 1484 of this title; title 20 section 244.
1487	Sections 1490a, 1490j of this title; title 7 section 1933.
1490	Sections 1437a, 1480 of this title.
1490a	Sections 1472, 1480, 1483, 1485, 1487, 1490c, 1490j, 1490*l* of this title.
1490c	Section 1483 of this title.
1490m	Sections 1437f, 1439, 1483 of this title.
1786	Section 1776 of this title; title 7 section 2018.
1862	Section 1873 of this title; title 20 sections 3811, 3831.
1973aa-6	Section 1973ee-3 of this title.
1973dd-1	Sections 1973dd-2, 1973dd-2a, 1973dd-2b, 1973dd-3 of this title; title 22 section 4086.
1975	Section 1975d of this title.
1975a	Section 1975d of this title.
1975d	Sections 1975a, 6106 of this title.
1996	Title 16 sections 470ii, 543f.
2000d-1	Sections 2000d-2, 2000d-5, 5057, 9821, 9849, 10406 of this title; title 39 section 410.
2000d-2	Sections 2930c, 2971c, 2985g, 5057, 9821, 9849, 10406 of this title; title 39 section 410.
2014	Sections 2021, 2021b, 2022, 2077, 2113, 2114, 2139, 2153b, 2201, 2291, 10101 of this title; title 18 section 1030.
2021	Sections 263e, 2021b, 2021f, 2022, 7911, 7918, 7925, 7941, 10171 of this title; title 29 section 653.
2021b	Sections 2021d, 2021e, 2021f, 2021g of this title.
2021c	Sections 2021b, 2021d, 2021e, 2021f, 2021g of this title.
2021d	Sections 2021b, 2021e, 2021f, 2021g of this title.
2021e	Sections 2021b, 2021c, 2021d, 2021f, 2021g of this title.
2021f	Sections 2021b, 2021c, 2021d, 2021e, 2021g of this title.
2021g	Sections 2021b, 2021d, 2021e, 2021f of this title.
2021h	Sections 2021b, 2021d, 2021e, 2021f, 2021g of this title.
2021i	Sections 2021b, 2021d, 2021e, 2021f, 2021g of this title.
2021j	Sections 2021b, 2021d, 2021e, 2021f, 2021g of this title.
2133	Sections 2014, 2019, 2020, 2061, 2073, 2076, 2077, 2093, 2021b, 2131, 2132, 2135, 2136, 2138, 2153, 2154, 2165, 2183, 2201, 2209, 2210, 2232, 2239, 2242, 2273, 2282, 2283, 10101, 10222 of this title.
2134	Sections 2014, 2061, 2073, 2074, 2076, 2077, 2093, 2021b, 2131, 2132, 2133, 2136, 2138, 2153, 2154, 2165, 2183, 2201, 2209, 2210, 2232, 2239, 2242, 2273, 2282, 2283, 10101, 10222 of this title.
2210	Sections 2014, 2021d, 2073, 2296, 9601 of this title.
2457	Sections 2458, 2459b of this title; title 35 section 210.
2466	Sections 2466a, 2466b of this title.
2466a	Sections 2466b, 2466c of this title.
2466b	Section 2466a of this title.
2466c	Sections 2466a, 2466b of this title.
2991b	Sections 2991f, 2992b, 2992d of this title.
3018	Sections 3017, 3035b, 3037b of this title.
3025	Sections 3020b, 3022, 3023, 3026, 3027, 3028, 3035b, 3035e, 3056a, 3058b, 5001, 5012 of this title.
3026	Sections 3018, 3023, 3027 of this title.
3027	Sections 3017, 3022, 3024, 3025, 3026, 3028, 3029, 3030d, 3030e, 3030f, 3035c, 3057c, 3058b of this title.
3028	Sections 3024, 3027, 3029 of this title.
3030d	Section 3058b of this title.
3058b	Sections 3027, 3058c of this title.

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Section	*Referred to in*
3131	Sections 3161, 3171, 3220, 3221, 3222, 3223, 3338 of this title.
3612	Section 3610 of this title; title 15 section 1691e.
3711	Section 5603 of this title.
3743	Sections 3745, 3746, 3747, 3761, 3782 of this title.
3744	Section 3797 of this title.
3745	Section 3746 of this title.
3748	Section 3789 of this title.
3761	Sections 3743, 3762 of this title.
3763	Sections 3743, 3765 of this title.
3769a	Section 3769b of this title.
3769c	Section 3769b of this title.
3769d	Section 3769b of this title.
3782	Section 5672 of this title.
3783	Sections 3785, 5633, 5638 of this title.
3784	Sections 3785, 5633 of this title.
3785	Sections 3789d, 5633 of this title.
3787	Section 5672 of this title.
3789d	Sections 3785, 5672, 10504 of this title.
3789g	Sections 3732, 5672, 10505 of this title.
3936	Sections 3937, 3938 of this title.
4578	Sections 300x-1a, 300x-4 of this title.
4971	Section 4974 of this title.
5042	Sections 4958, 5044 of this title.
5054	Section 5056 of this title.
5056	Section 5047 of this title.
5101	Sections 5104, 5107, 5116d, 10407 of this title.
5104	Section 5103 of this title.
5116c	Section 5116d of this title.
5116d	Section 5116g of this title.
5302	Sections 1437*o*, 5306, 5318 of this title.
5304	Sections 1437*o*, 1439, 5306, 5316 of this title.
5306	Sections 5301, 5302, 5303, 5304, 5307, 5308, 5312 of this title.
5307	Sections 5303, 5306, 5308 of this title.
5308	Sections 5301, 5304, 5306 of this title; title 31 section 1305.
5318	Sections 5306, 5307, 5313, 5320 of this title; title 12 section 1715z; title 26 section 103.
5402	Title 12 sections 1701j-3, 3802; title 15 section 78c; title 26 section 168.
5403	Sections 5405, 5409 of this title; title 12 section 1703.
5611	Sections 5603, 5651 of this title; title 39 section 3220.
5633	Sections 5614, 5616, 5632, 5635, 5637, 5638, 5651, 5671 of this title.
5634	Sections 5635, 5637, 5638, 5651 of this title.
5635	Section 5651 of this title.
5651	Sections 5611, 5661 of this title.
5654	Section 5635 of this title.
5671	Section 5633 of this title.
5772	Title 39 section 3201.

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5775	Sections 5774, 5776 of this title.
5908	Sections 5585, 5906, 5907a, 5919, 6981, 8773, 10308 of this title; title 7 section 178j; title 15 sections 2511, 2707; title 35 section 210.
5909	Section 10308 of this title; title 7 section 178j.
6001	Sections 1471, 6022, 6062, 6063, 6862, 9877 of this title.
6009	Sections 6022, 6063, 6082 of this title.
6022	Sections 6006, 6024, 6025, 6027, 6028, 6029, 6082 of this title.
6023	Section 6022 of this title.
6024	Sections 6001, 6022 of this title.
6025	Sections 6022, 6026, 6027, 6028, 6030, 6042 of this title.
6027	Section 6029 of this title.
6030	Sections 6022, 6025 of this title.
6042	Sections 6024, 6041, 6043, 6082 of this title.
6043	Section 6042 of this title.
6062	Sections 6063, 6064 of this title.
6063	Section 1438 of this title.
6064	Sections 6062, 6063 of this title.
6234	Sections 6235, 6238, 6239, 6246 of this title; title 15 section 714b.
6241	Sections 6239, 6240, 6247 of this title.
6245	Section 6241 of this title.
6263	Sections 6261, 6262, 6264, 8513 of this title.
6321	Section 6323a of this title.
6322	Sections 6323, 6323a, 6324, 6325, 6327, 6371, 7005 of this title.
6323	Sections 6323a, 6325, 6327 of this title.
6324	Sections 6323a, 6325 of this title.
6325	Sections 6323a, 6326, 6371, 6881 of this title; title 12 section 1701z–8.
6326	Sections 6323a, 6881 of this title; title 12 section 1701z–8.
6362	Title 45 sections 1010, 1207; title 49 App. section 1553.
6393	Sections 6241, 6261, 6262, 6263 of this title; title 15 section 2841.
6422	Sections 6261, 7362 of this title; title 15 section 2841.
6864	Sections 6863, 6869 of this title.
6902	Section 6982 of this title.
6903	Sections 5919, 6921, 6991, 9601 of this title; title 46 App. section 883.
6907	Sections 5919, 5920, 6945, 6948, 6949a, 6964, 6981, 6984, 6986 of this title.
6911a	Section 4370a of this title.
6916	Sections 6991h, 6991i of this title.
6921	Sections 6923, 6924, 6925, 6930, 6935, 6938, 6939, 6945, 6949a

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6921—Cont.	of this title; title 26 section 4682.
6922	Sections 6921, 6923, 6924, 6926, 6935, 6938, 6971 of this title; title 26 section 4682.
6923	Sections 6921, 6926, 6935, 6938, 6971 of this title.
6924	Sections 6921, 6925, 6926, 6935, 6936, 6971 of this title; title 26 section 4682.
6925	Sections 6921, 6924, 6926, 6927, 6928, 6933, 6935, 6936, 6937, 6939a, 6945, 6974, 6976, 9601 of this title; title 26 section 4682.
6927	Sections 6933, 6934, 6937, 6939, 6945, 9606 of this title.
6928	Sections 6924, 6945, 6972, 9606 of this title.
6930	Sections 6921, 6924, 6925, 6937, 6939, 6971 of this title.
6934	Sections 6939, 9606 of this title.
6935	Sections 6926, 6930, 6976 of this title.
6944	Sections 6903, 6943, 6945, 6948, 6949a of this title.
6947	Sections 6903, 6943, 6945, 6948 of this title.
6949a	Section 6945 of this title.
6962	Sections 6905, 6941 of this title.
6972	Sections 6945, 6979a of this title.
6973	Sections 6972, 6979a, 9606 of this title.
6974	Section 6925 of this title.
6976	Section 6972 of this title.
6979a	Section 6924 of this title.
6991	Sections 6991b, 6991c, 6991h of this title.
6991a	Sections 6991c, 6991e of this title.
6991b	Sections 6924, 6991a, 6991c, 6991e of this title.
6991c	Section 6991e of this title.
6991h	Section 6991d of this title.
7275	Section 7276 of this title.
7276	Section 7275 of this title.
7410	Sections 6211, 6215, 7405, 7407, 7411, 7413, 7414, 7415, 7419, 7420, 7425, 7426, 7475, 7476, 7491, 7501, 7502, 7504, 7506, 7545, 7607, 7613, 7619, 7625-1, 8374, 8375, 9601 of this title.
7411	Sections 7410, 7412, 7413, 7414, 7416, 7417, 7418, 7420, 7422, 7425, 7475, 7479, 7501, 7604, 7607, 7608, 7616, 7617, 7618, 7625-1, 9601 of this title.
7412	Sections 7411, 7413, 7414, 7416, 7417, 7418, 7420, 7422, 7479, 7604, 7607, 7608, 7616, 7618, 7625-1, 9601 of this title.
7607	Sections 7413, 7419, 7420, 7521, 7545, 7547, 7617, 7625-1 of this title.
8212	Section 8281a of this title; title 12 section 3612.
8216	Sections 8211, 8214, 8215, 8217, 8219, 8220, 8235f, 8282a, 8285a of this title; title 12 section 3612.
8621	Sections 6862, 8623, 8624 of this title.
8623	Sections 8624, 8626 of this title.
8629	Section 8624 of this title.
8712	Sections 8713, 8714, 8715, 8717, 8768 of this title.
8714	Sections 8713, 8715 of this title.
8717	Section 8768 of this title.
9601	Sections 6991, 9602, 9603, 9604, 9607, 9656 of this title; title 10 section 2692.
9602	Sections 9601, 9603 of this title; title 10 section 2692.
9603	Sections 6937, 6991a, 9602 of this title.
9604	Sections 6924, 6939a, 6972, 6979a, 9601, 9607, 9611, 9612 of this title.
9605	Sections 9601, 9604, 9611, 9651 of this title; title 26 section 468.
9606	Sections 6924, 6972, 6979a, 9607 of this title.
9607	Sections 6924, 6939a, 6991b, 6991c, 9601, 9603, 9608, 9611, 9612, 9631, 9641, 9651, 9656 of this title.
9611	Sections 6924, 6991b, 6991c, 9601, 9604, 9608, 9612, 9631, 9633, 9641 of this title.
9843	Section 9835 of this title.
9871	Sections 9872, 9873 of this title.
9872	Sections 9873, 9874, 9875 of this title.
9873	Sections 9874, 9875 of this title.
9874	Section 9871 of this title.
9902	Sections 701, 5011, 8622, 9904, 9911, 9912 of this title; title 7 sections 1927, 2014, 3175; title 8 section 1154.
9904	Sections 9902, 9903, 9905a, 9908 of this title.
9905a	Section 9904 of this title.
10303	Sections 10304, 10305, 10307 of this title.
10304	Sections 10305, 10307 of this title.
10305	Sections 10303, 10307 of this title.
10402	Sections 10403, 10405, 10409 of this title.
10409	Sections 10403, 10410, 10411 of this title.
10504	Section 10507 of this title.
10601	Section 10604 of this title.
10602	Sections 10601, 10603 of this title.
10603	Section 10601 of this title.
10702	Section 10712 of this title.
10703	Section 10702 of this title.
10705	Section 10703 of this title.
10706	Section 10712 of this title.
10707	Section 10712 of this title.
10708	Section 10706 of this title.

TITLE 43—PUBLIC LANDS

Section	*Referred to in*
183	Sections 213, 237h, 336d of this title.
284	Section 279, 282, 283 of this title.
315m	Section 315i of this title; title 16 section 670e.
390g	Sections 390g-3, 390g-7, 390g-8 of this title.
390g-2	Section 390g-3 of this title.
390g-5	Section 390g-6 of this title.
390g-8	Sections 390g, 390g-3, 390g-7 of this title.
390cc	Sections 390ee, 390ff, 390hh, 508 of this title.
391	Sections 390g, 391a, 391a-1, 455b of this title.
472	Sections 475, 511 of this title.
617d	Sections 617e, 617g, 617*o*, 619a, 1572 of this title.
618	Section 618a of this title.
619	Sections 618e, 619a, 619b of this title.
959	Sections 421c of this title.
1301	Sections 1302, 1331, 1340, 1811 of this title.
1331	Sections 155, 1811, 1865 of this title; title 15 section 3301; title 16 section 1453; title 26 section 48; title 30 section 1702; title 33 section 1205; title 42 section 6202; title 50 App. section 2415.
1333	Sections 1331, 1347, 1351 of this title; title 33 sections 905, 941, 2104.
1521	Section 1543 of this title.
1528	Section 1543 of this title.
1543	Sections 618, 620d-1, 1521, 1525, 1528, 1595, 1597 of this title.
1592	Sections 1591, 1595, 1598 of this title.
1594	Sections 1592, 1593, 1595, 1596 of this title.
1602	Sections 1615, 1641 of this title; title 16 section 3102; title 25 sections 472a, 1903, 2011; title 42 sections 300*l*-2, 10101; title 45 section 1202.
1607	Sections 1620, 1627 of this title; title 16 section 1155; title 25 section 450i; title 42 section 1382b.
1611	Sections 1613, 1616, 1620, 1621, 1627, 1629a, 1631, 1635, 1641 of this title; title 45 section 1205.
1613	Sections 1610, 1611, 1615, 1617, 1618, 1620, 1621, 1627, 1629a, 1631, 1632, 1633, 1635, 1636, 1638, 1641 of this title; title 16 sections 3102, 3192; title 45 section 1205.
1629	Section 1629a of this title.
1716	Sections 1715, 1718, 1719 of this title; title 16 sections 460ii-1, 460kk, 460mm-1; title 30 sections 193, 1260.

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

Section	*Referred to in*
501	Section 503 of this title; title 5 section 4109; title 7 section 285; title 16 sections 916*l*, 961; title 20 sections 954, 956; title 21 section 114c; title 22 sections 272a, 280b, 280i; 280k, 287e, 287r, 290b, 1471, 2024, 2588, 2669; title 33 section 1123; title 42 section 1870.
2102	Sections 2101, 3102, 3317 of this title.
2103	Sections 2101, 3102, 3317 of this title.
2104	Sections 3102, 3317 of this title.
2105	Sections 3102, 3316 of this title.
2106	Sections 3102, 3317 of this title.
2107	Sections 3102, 3317 of this title; title 36 section 138.
2108	Sections 3102, 3317 of this title.
2109	Sections 3102, 3317 of this title.
2110	Sections 3102, 3317 of this title.
2111	Sections 2107, 2112, 3102, 3317 of this title.
2112	Sections 3102, 3317 of this title.
2113	Section 3102 of this title.
2114	Section 3102 of this title.
2115	Section 3102 of this title.
2116	Section 3102 of this title; title 25 section 199a.
2117	Section 3102 of this title.
2504	Sections 2506, 3102 of this title.
2901	Sections 1501, 3102 of this title; title 17 section 704.
2904	Sections 2106, 3102 of this title.

TITLE 45—RAILROADS

Section	*Referred to in*
231	Sections 231a, 231b, 231e, 231f, 231n, 231q, 352, 368 of this title; title 42 sections 402, 405.
231a	Sections 231, 231b to 231g, 231m to 231o, 231r of this title; title 7 section 2012; title 26 sections 72, 3221; title 42 sections 402, 405, 416.
231b	Sections 231, 231a, 231c, 231d, 231e, 231f, 231m, 231n, 231r, 231u of this title; title 2 section 905; title 7 section 2014; title 26 sections 72, 86, 3231, 6050F; title 42 sections 405, 410.
231c	Sections 231, 231a, 231b, 231d, 231e, 231f, 231m, 231n, 231r, 231u of this title; title 2 section 905; title 26 sections 72, 86.
231f	Sections 231b, 231e, 231i, 231*l*, 231n, 231n-1, 352, 362 of this title; title 42 sections 405, 426, 1395u.
231n	Section 231n-1 of this title.
231q	Section 231f of this title; title 42 section 402.
351	Sections 352, 368 of this title; title 26 sections 3306, 3323.

TITLE 45—RAILROADS—Cont.

Section	*Referred to in*
352	Sections 351, 360, 362, 368 of this title; title 26 sections 105, 3231.
354	Section 351 of this title.
360	Sections 231u, 351 of this title; title 26 section 3322.
797	Sections 231, 351, 588, 745, 748, 797d, 797i, 797*l*, 1113 of this title.
797a	Sections 231, 351, 797d, 797i, 797*l*, 1103 of this title.
822	Sections 821, 828 of this title; title 49 section 308.
831	Sections 721, 832, 833, 914 of this title; title 49 section 308.
1207	Title 26 section 103.

TITLE 46—SHIPPING

Section	*Referred to in*
2101	Sections 2102, 3701 of this title; sections 446c, 808a of Appendix to this title; title 15 section 2052; title 33 section 1225.
2104	Title 7 section 136q.
2106	Title 7 section 136q.
2107	Sections 83k, 251a, 883-1, 883a of Appendix to this title.
2109	Title 49 App. section 1806.
2111	Section 2112 of this title; title 5 section 5549.
2112	Title 5 section 5549.
2306	Section 2301 of this title.
3301	Sections 2101, 3302 of this title.
3303	Section 3505 of this title.
3304	Section 3318 of this title.
3306	Sections 3313, 3318 of this title; title 7 section 136q.
3307	Sections 3308, 3309 of this title.
3308	Section 3305 of this title.
3309	Sections 3311, 3312, 3318 of this title.
3311	Section 3318 of this title.
3505	Section 3504 of this title.
3702	Section 8703 of this title; title 49 App. section 1806.
3704	Section 3709 of this title; section 1185 of Appendix to this title.
3705	Section 3709 of this title; section 1185 of Appendix to this title.
3706	Section 3709 of this title; section 1185 of Appendix to this title.
3707	Section 1185 of Appendix to this title.
3708	Section 1185 of Appendix to this title.
3709	Section 1185 of Appendix to this title.
3710	Section 3715 of this title.
3711	Section 3715 of this title.
3714	Section 3717 of this title.
3901	Section 3902 of this title.
4102	Section 4103 of this title.
4302	Sections 4303, 4306, 4310, 8905, 13110 of this title.
4305	Section 4306 of this title.
4307	Section 4311 of this title.
6101	Section 6103 of this title; title 49 App. section 1903.

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Section	*Referred to in*
6102	Section 13102 of this title.
6301	Section 6307 of this title; title 49 App. section 1903.
7101	Sections 8302, 8304, 8502, 8503, 8703, 9302, 9303 of this title.
7106	Section 7108 of this title.
7107	Section 7108 of this title.
7302	Section 8701 of this title.
7307	Sections 7312, 7315 of this title.
7308	Sections 7312, 7315 of this title.
7309	Sections 7312, 7315 of this title.
7310	Sections 7312, 7315 of this title.
7311	Section 7315 of this title.
7311a	Section 7312 of this title.
7313	Section 7314 of this title.
7314	Sections 7313, 7315 of this title.
7318	Section 7103 of this title.
7503	Title 49 App. section 1903.
7703	Section 7701 of this title.
8104	Section 8702 of this title.
8701	Sections 10103, 10306, 10503 of this title.
8903	Sections 4302, 8905 of this title.
8904	Sections 8104, 8905 of this title.
9101	Title 33 section 1228.
9302	Section 9308 of this title.
9303	Sections 9301, 9308 of this title; title 49 App. section 1903.
10302	Sections 10303, 10304, 10305, 10306, 10307, 10308, 10312, 10313, 10314, 10315, 10318, 10507 of this title.
10303	Section 10507 of this title.
10305	Section 10507 of this title.
10306	Section 8701 of this title.
10307	Section 10507 of this title.
10310	Section 10318 of this title.
10311	Section 10507 of this title.
10312	Sections 10313, 10504, 10507 of this title.
10313	Section 10507 of this title.
10314	Section 10316 of this title.
10315	Sections 10316, 11109 of this title.
10321	Section 10507 of this title.
10502	Sections 10503, 10504, 10505, 10508, 10509 of this title.
10503	Section 8701 of this title.
10505	Section 10506 of this title.
10702	Section 11301 of this title.
10902	Sections 10903, 10905 of this title.
10903	Section 10904 of this title.
11101	Section 446b of Appendix to this title.
11102	Section 11103 of this title.
11104	Section 10313 of this title.
11106	Section 11503 of this title.
11501	Section 11502 of this title.
11502	Section 11301 of this title.
12102	Section 12112 of this title.
12105	Sections 12101, 12103, 12106, 12107, 12108 of this title.
12106	Sections 12101, 12103, 12105 of this title.
12107	Sections 12101, 12103, 12105 of this title.

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12108	Sections 12101, 12103, 12105 of this title.
12109	Section 12103 of this title.
13103	Sections 13101, 13106, 13108 of this title.
13105	Section 13108 of this title.
13106	Section 13102 of this title.
13110	Section 4302 of this title.

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13	Section 883 of this Appendix.
14	Title 46 sections 12106, 12107, 12108.
71	Section 83a of this Appendix.
72	Section 71 of this Appendix.
77	Sections 71, 83a, 320 of this Appendix.
83	Sections 71, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.
83a	Sections 71, 83, 83b, 83d, 83f, 83g, 83h, 83i, 83j of this Appendix.
83b	Sections 71, 83, 83a, 83d, 83f, 83h, 83i, 83j of this Appendix.
83c	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.
83d	Sections 71, 83, 83a, 83b, 83e, 83f, 83h, 83i, 83j of this Appendix.
83e	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.
83f	Sections 71, 83, 83b, 83d, 83h, 83i, 83j of this Appendix.
83g	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.
83h	Sections 71, 83, 83a, 83b, 83d, 83f, 83i, 83j of this Appendix.
83i	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83j of this Appendix.
83j	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i of this Appendix.
83k	Sections 71, 83, 83a, 83b, 83d, 83f, 83h, 83i, 83j of this Appendix.
86c	Sections 86e, 86i of this Appendix.
86g	Sections 86c, 86i of this Appendix.
86h	Section 86i of this Appendix.
88	Sections 88b, 88g, 420 of this Appendix.
88b	Sections 88c, 88f of this Appendix.
88c	Sections 88f, 88g of this Appendix.
88d	Sections 88e, 88f, 88g of this Appendix.
88e	Section 88g of this Appendix.
88f	Section 88g of this Appendix.
91	Sections 86h, 817d, 817e of this Appendix; title 18 section 965; title 33 sections 1232, 1321, 1517, 1904, 1908, 2072; title 46 section 3718; title 42 section 9608; title 50 App. section 13.
94	Title 18 section 965; title 50 App. section 13.
121	Section 141 of this Appendix.
128	Section 129 of this Appendix.
133	Section 134 of this Appendix.
144	Section 145 of this Appendix.
181	Sections 196, 1308 of this Appendix.
182	Sections 187, 188, 196, 1308 of this Appendix; title 42 section 9607.
183	Sections 185, 187, 188, 196, 1308 of this Appendix; title 42 section 9607; title 43 section 1814.
183b	Sections 183, 188, 1308 of this Appendix.
183c	Sections 188, 1308 of this Appendix.
184	Sections 187, 188, 1308 of this Appendix; title 42 section 9607.
185	Sections 187, 188, 1308 of this Appendix; title 42 section 9607.
186	Sections 187, 188, 1308 of this Appendix; title 42 section 9607.
187	Sections 188, 1308 of this Appendix; title 42 section 9607.
188	Sections 183, 1308 of this Appendix; title 42 section 9607.
189	Section 188 of this Appendix.
190	Sections 194, 195, 196, 1311 of this Appendix.
191	Sections 194, 196, 1311 of this Appendix.
192	Sections 194, 196, 1311 of this Appendix.
193	Sections 194, 195, 196, 1311 of this Appendix.
194	Sections 196, 1311 of this Appendix.
195	Sections 194, 196, 1311 of this Appendix.
196	Sections 194, 1311 of this Appendix.
249	Section 249c of this Appendix.
249a	Section 249c of this Appendix.
249b	Section 249c of this Appendix.
289	Sections 289a, 320 of this Appendix.
291	Section 446b of this Appendix.
293	Section 293a of this Appendix.
308	Section 309 of this Appendix.
310	Section 311 of this Appendix.
313	Section 315 of this Appendix; title 33 sections 1904, 1908.
314	Section 315 of this Appendix.
316	Sections 883-1 of this Appendix.
319	Section 320 of this Appendix.
321	Section 322 of this Appendix.
354	Section 355 of this Appendix.
446	Section 446c of this Appendix.
446a	Section 446c of this Appendix.
446b	Section 446c of this Appendix.
533	Section 534 of this Appendix.

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674	Section 676 of this Appendix.
688	Title 33 section 903.
725	Section 316 of this Appendix.
727	Section 731 of this Appendix.
729	Section 731 of this Appendix.
730	Section 731 of this Appendix.
738	Sections 738a, 738d of this Appendix.
738a	Section 738d of this Appendix.
738b	Section 738d of this Appendix.
738c	Section 738d of this Appendix.
741	Section 747 of this Appendix.
742	Sections 745, 749, 1242 of this Appendix.
744	Sections 747, 748, 749 of this Appendix.
747	Section 748 of this Appendix.
749	Section 748 of this Appendix.
750	Section 749 of this Appendix.
761	Section 765 of this Appendix.
762	Section 765 of this Appendix.
786	Section 787 of this Appendix.
801	Sections 845b, 888 of this Appendix; title 49 section 10703.
802	Sections 883, 883-1, 888, 891u, 922, 1244, 1271 of this Appendix; title 15 sections 144, 713c-3, 2509; title 16 section 742c; title 30 section 1522; title 42 section 5919; title 50 App. section 1736.
803	Section 888 of this Appendix.
808	Sections 808a, 838, 839, 864, 865a, 883, 883-1, 1160 of this Appendix; title 50 section 198; title 50 App. section 1739.
812	Section 831 of this Appendix.
814	Sections 819, 831, 1706 of this Appendix.
815	Section 831 of this Appendix.
816	Section 831 of this Appendix.
817	Section 831 of this Appendix.
817e	Section 289c of this Appendix.
818	Section 831 of this Appendix.
819	Section 831 of this Appendix.
820	Section 831 of this Appendix.
821	Sections 814, 826, 831, 845, 845a of this Appendix.
830	Title 28 section 2342.
835	Sections 838, 839, 840, 865a, 883-1, 1160 of this Appendix.
839	Section 865a of this Appendix.
861	Sections 864, 871, 891 of this Appendix.
864	Sections 865, 871, 1195 of this Appendix.
865	Section 864 of this Appendix.
866	Sections 891v, 1195 of this Appendix.
868	Section 1153 of this Appendix.
871	Section 891b of this Appendix.
883	Sections 316, 446b, 883-1 of this Appendix; title 19 section 1554; title 46 section 3704; title 50 App. section 1745.
883-1	Title 30 section 1522.
888	Section 922 of this Appendix.
911	Title 11 section 1110.
921	Section 922 of this Appendix.

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922	Section 941 of this Appendix.
923	Section 941 of this Appendix.
925	Sections 941, 951 of this Appendix.
926	Section 927 of this Appendix.
941	Section 951 of this Appendix.
952	Sections 951, 953 of this Appendix.
953	Sections 922, 951 of this Appendix.
954	Section 951 of this Appendix.
961	Title 46 section 12111.
972	Section 973 of this Appendix.
1011	Section 911 of this Appendix.
1101	Sections 1119, 1120, 1161, 1191, 1222 of this Appendix.
1111	Title 50 App. section 1745.
1112	Section 1158 of this Appendix.
1114	Sections 1151, 1244 of this Appendix; title 50 App. section 1745.
1116	Sections 1116a, 1242 of this Appendix.
1117	Title 50 App. section 1745.
1118	Sections 1213, 1222 of this Appendix.
1119	Title 50 App. section 1745.
1120	Section 1191 of this Appendix.
1121	Sections 1125, 1171, 1173, 1204, 1213, 1222 of this Appendix.
1122a	Title 46 section 2306.
1125	Section 1152 of this Appendix.
1151	Sections 1152, 1173 of this Appendix.
1152	Section 1154 of this Appendix.
1153	Sections 1154, 1159 of this Appendix.
1154	Section 1224 of this Appendix.
1155	Sections 1152, 1155a, 1176 of this Appendix.
1156	Sections 1177, 1183 of this Appendix.
1159	Sections 1152, 1274 of this Appendix.
1160	Title 26 section 1059; title 50 App. section 1741.
1161	Title 26 sections 543, 1023, 1059; title 50 App. section 1741.
1171	Section 1152 of this Appendix.
1173	Section 1183 of this Appendix.
1175	Sections 1183, 1213 of this Appendix.
1176	Section 1177 of this Appendix.
1177	Sections 1177-1, 1185, 1244 of this Appendix; title 26 sections 46, 134, 543; title 42 section 9141.
1180	Section 1152 of this Appendix.
1181	Section 808 of this Appendix.
1183	Sections 865a, 1171, 1172, 1173, 1176, 1183a of this Appendix.
1191	Section 1196 of this Appendix.
1192	Section 1196 of this Appendix.
1193	Section 1196 of this Appendix.
1194	Section 1196 of this Appendix.
1195	Section 1196 of this Appendix.
1197	Section 1196 of this Appendix.

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1198	Section 1196 of this Appendix; title 50 App. section 1738.
1199	Sections 1196, 1205 of this Appendix; title 50 App. section 1738.
1200	Section 1196 of this Appendix; title 50 App. section 1738.
1201	Section 1196 of this Appendix.
1202	Section 1196 of this Appendix; title 50 App. section 1738.
1203	Section 1196 of this Appendix; title 50 App. section 1738.
1204	Sections 1160, 1196 of this Appendix.
1206	Title 42 section 2210.
1212	Sections 1241a, 1242 of this Appendix.
1223	Section 1183 of this Appendix.
1224	Section 1228 of this Appendix.
1228	Section 1276 of this Appendix.
1241	Sections 1185, 1241e, 1241f, 1241j, 1241*l* of this Appendix; title 10 section 2407; title 22 sections 2223, 2353, 2399d.
1241–1	Sections 1241, 1241e, 1241j, 1241*l* of this Appendix.
1241a	Sections 1205, 1241c, 1280 of this Appendix.
1241d	Section 1241p of this Appendix.
1241e	Sections 1241d, 1241f, 1241i, 1241j, 1241p of this Appendix.
1241f	Sections 1241d, 1241e, 1241g, 1241h, 1241i, 1241j, 1241*l*, 1241*o*, 1241p of this Appendix.
1241g	Sections 1241d, 1241f, 1241i, 1241j, 1241*o*, 1241p of this Appendix.
1241h	Sections 1241d, 1241f, 1241i, 1241j, 1241*o*, 1241p of this Appendix.
1241i	Sections 1241d, 1241j, 1241p of this Appendix.
1241j	Sections 1241d, 1241i, 1241p of this Appendix.
1241k	Sections 1241d, 1241i, 1241j, 1241p of this Appendix.
1241*l*	Sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.
1241m	Sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.
1241n	Sections 1241d, 1241i, 1241j, 1241k, 1241p of this Appendix.
1241*o*	Sections 1241d, 1241i, 1241j, 1241p of this Appendix.
1241p	Section 1241d of this Appendix.
1242	Sections 865a, 1152, 1160, 1241a, 1289 of this Appendix; title 50 sections 196, 197; title 50 App. section 1744.
1244	Section 1274 of this Appendix; title 30 section 1412; title 42 section 9141; title 50 App. section 1745.
1271	Sections 1274, 1279c of this Appendix; title 30 section 1412.
1272	Sections 1271, 1274, 1275, 1279c of this Appendix; title 16 section 742c–1.
1273	Sections 1274, 1279c of this Appendix.

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1274	Sections 1271, 1273, 1279a, 1279c of this Appendix.
1275	Sections 1271, 1273, 1274, 1279c, 1280 of this Appendix; title 16 section 742c–1.
1276	Sections 1274, 1279c of this Appendix.
1279	Sections 1272, 1274, 1279c of this Appendix.
1279a	Sections 1271, 1273, 1274 of this Appendix.
1279c	Section 1273 of this Appendix.
1282	Section 1283 of this Appendix.
1283	Section 1284 of this Appendix.
1295a	Title 46 section 3306.
1295b	Sections 1295a, 1295f of this Appendix.
1295c	Sections 1119, 1295a, 1295f of this Appendix; title 10 section 5985; title 46 section 3302.
1295d	Section 1119 of this Appendix.
1301	Section 1313 of this Appendix.
1302	Section 1313 of this Appendix.
1303	Sections 1302, 1304, 1306, 1313 of this Appendix.
1304	Sections 1302, 1306, 1313 of this Appendix.
1305	Sections 1306, 1309, 1313 of this Appendix.
1306	Sections 1302, 1313 of this Appendix.
1307	Section 1313 of this Appendix.
1308	Section 1313 of this Appendix.
1504	Section 1505 of this Appendix.
1601	Title 49 section 109.
1602	Title 10 section 2664.
1603	Title 49 section 109.
1703	Section 1704 of this Appendix.
1704	Sections 1705, 1706, 1709, 1710 of this Appendix.
1705	Sections 1706, 1708, 1709, 1710 of this Appendix.
1706	Section 1704 of this Appendix.
1707	Sections 1704, 1708, 1719 of this Appendix.
1709	Sections 1704, 1710, 1712 of this Appendix.
1710	Section 1705 of this Appendix.
1711	Section 1712 of this Appendix.
1715	Section 1706 of this Appendix.
1719	Section 1706 of this Appendix.

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

Section	*Referred to in*
153	Sections 541, 543, 556, 557, 741 of this title; title 7 section 924; title 15 section 78c; title 18 section 2510.
307	Sections 303, 331, 503 of this title.
309	Sections 311, 316, 319, 325, 533, 554 of this title.
393	Section 392 of this title.

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS—Cont.

Section	*Referred to in*
397	Title 17 sections 110, 111, 114, 118; title 20 sections 3913, 3914.
503	Sections 504, 554 of this title.
522	Section 554 of this title.
531	Section 532 of this title.
532	Section 558 of this title.
541	Sections 522, 532 of this title.
543	Sections 532, 545 of this title.
544	Sections 531, 546 of this title.
545	Sections 544, 555 of this title.
546	Sections 522, 531, 532, 544, 552, 555 of this title.
555	Sections 545, 546 of this title.
557	Sections 532, 556 of this title.

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Section	*Referred to in*
1424	Sections 1421i, 1424-1 of this title; title 28 section 1869; title 42 section 8768.
1424-1	Sections 1424, 1424-2, 1424-3 of this title.
1424b	Sections 1424, 1424-3 of this title.
1611	Section 1613a of this title; title 28 section 1869; title 42 section 8768.
1612	Sections 1561, 1611, 1614 of this title.
1614	Section 1613a of this title.
1642	Title 26 sections 934, 957, 7651.

TITLE 49—TRANSPORTATION

Section	*Referred to in*
333	Sections 306, 10904, 11344, 11346 of this title; section 1654 of Appendix to this title; title 45 sections 765, 903.
3102	Sections 501, 507, 521, 526, 3104 of this title; title 29 sections 213, 1841.
10521	Sections 3101, 3102, 10101, 10522, 10530, 11506 of this title.
10526	Sections 10527, 10528, 10529, 10530, 10561, 10749, 10922, 10923, 11101 of this title; title 16 section 2302.
10530	Sections 10922, 10927, 11701, 11702, 11901, 11914 of this title.
10762	Sections 10705a, 10708, 10730, 10735, 10764, 10765, 10925, 11901 of this title; title 43 section 942-1.
10922	Sections 10321, 10322, 10328, 10521, 10528, 10530, 10762, 10925, 10926, 10927, 10931, 10935, 11145, 11304, 11506, 11708 of this title; section 2512 of Appendix to this title.
10923	Sections 10328, 10528, 10530, 10762, 10922, 10925, 10926, 10927, 11145, 11304, 11506, 11708 of this title; section 2512 of Appendix to this title.

TITLE 50—WAR AND NATIONAL DEFENSE

Section	*Referred to in*
403	Sections 403-1, 403g of this title; title 5 section 2305; title 42 section 2162.
403a	Sections 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403b	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403c	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403e	Sections 403a, 403f of this title; title 5 sections 2305, 5373, 5727; title 22 section 2291.
403f	Sections 403a, 403e of this title; title 5 sections 2305, 5373; title 22 section 2291.
403g	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403h	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403j	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373, 5948; title 22 section 2291; title 31 section 3524.
403k	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403*l*	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403m	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403n	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
403*o*	Sections 403a, 403e, 403f of this title; title 5 sections 2305, 5373; title 22 section 2291.
413	Section 414 of this title; title 10 section 2547; title 22 section 2422.
431	Section 432 of this title.
783	Section 2410 of Appendix to this title; title 5 section 8312; title 38 section 3505; title 42 sections 402, 2000aa.